



L. Hildreth

PRIVATE AND SPECIAL
Statutes
OF THE
COMMONWEALTH
OF
MASSACHUSETTS,
FROM THE YEAR 1780,
TO THE
Close of the Session of the General Court,
BEGUN AND HELD ON
THE LAST WEDNESDAY IN MAY, *A. D.* 1805.
WITH
AN APPENDIX,

CONTAINING
SUCH STATUTES, OF THE ABOVE DESCRIPTION, PASSED BEFORE
THE YEAR 1780, AS ARE REFERRED TO IN ACTS PASSED
SINCE, AND INCLUDING THE TEMPORARY ACTS,
MADE PERPETUAL, MARCH 7, 1797.

IN THREE VOLUMES,

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PRIVATE AND SECRETE

Journal

CONFIDENTIAL

MARKET LETTER

FOR THE YEAR

1864

AND THE YEAR 1865

AND THE YEAR 1866

AND THE YEAR 1867
AND THE YEAR 1868
AND THE YEAR 1869
AND THE YEAR 1870

AND THE YEAR 1871

AND THE YEAR 1872

AND THE YEAR 1873

AND THE YEAR 1874

AND THE YEAR 1875

Private and Special
STATUTES
OF
MASSACHUSETTS.

An ACT to change the Name of the Town of *Pownalborough*, in the County of *Lincoln*.

WHEREAS the town of *Pownalborough* is more generally known in foreign places by the name of *Wiscasset*, and is by that name in the federal laws established as a port of entry, and all the commercial papers and transactions at the said place done in conformity therewith; and it being otherwise inconvenient to have two names for one corporate town: Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the date of this Act, the name of the said town of *Pownalborough* shall cease, and the said town shall henceforth be called and known by the name of *Wiscasset* only; any law to the contrary notwithstanding: And nothing in this Act contained shall be construed to impair any rights of the said Corporation, but the inhabitants of the said town shall have, enjoy and exercise all the powers, privileges and immunities as a Corporation by the name of *Wiscasset*, in as full and ample a manner as though the name of the said town had not been changed. The town to be called Wiscasset.

SECT. 2. *And be it further enacted,* That the sessions of the Supreme Judicial Court for the county of *Lincoln* shall continue to be holden in the said town of *Wiscasset*; and that all the records and proceedings of the Courts of law which have heretofore, or which may hereafter be had and done in the said place, shall be as valid and effectual as if no alteration of its name had been made. Provision respecting the Supreme Court.

[This Act passed June 10, 1802.]

An

An ACT in addition to an Act, entitled, "An Act to prevent Damage being done on the Meadows lying in the Township of *Yarmouth*," since incorporated by the Name of *Dennis*, called *Nobscoffet Meadows*, and a small Commonage of Land and Beaches thereto adjoining.

Preamble.

WHEREAS the space of time within which the turning in of cattle, horses, sheep and swine upon the meadows, beaches and shores aforesaid, prohibited by the Act aforesaid, is found to be too short :

The time cattle, &c. are not to be turned in.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this Act, no cattle, horses, sheep or swine shall be turned into the meadows, beaches and land described in the Act aforesaid, from the first day of *March* to the last day of *December* annually.

SECT. 2. *And be it further enacted by the authority aforesaid,* That all the fines, penalties, forfeitures and provisions of the Act aforesaid, shall be extended to and operate in the same manner as if the same were inserted in this Act ; and that this Act shall only be considered as an amendment of and an addition to the Act aforesaid.

[This Act passed June 12, 1802.]

An ACT to explain and amend "An Act for incorporating a Number of the Inhabitants of *Becket*, in the County of *Berkshire*, into a Society for Religious Purposes," passed *February 17, 1798*.

Vested with the privileges, &c. common to other societies.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the First Congregational Society in the town of *Becket* are, and shall be considered to be vested with all the privileges, powers and immunities which are common to other religious societies.

Occasional appropriation of income authorized.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said Society are and shall be considered to be authorized, when desitute of a settled ordained Minister, to apply the whole or any part of the annual interest or income of their capital stock or estate, to the support of any teacher or teachers of piety, religion and morality of the Pedobaptist denomination, occasionally employed by them ; and all such applications of their interest or income as aforesaid, which have been or may be made by said Society, shall be holden to be valid in law.

[This Act passed June 18, 1802.]

An

An ACT authorizing the erection of a Dam for certain Purposes, and to regulate the taking of Shad and Alewives in the Town of *Middleton*.

WHEREAS the waters running from the *Great Pond* in the town of *Middleton*, in the county of *Essex*, to *Ipswich River*, become so low during the summer season, that shad and alewives cannot pass down to said river, but are detained in said pond, and great numbers of them perish during the winter season to the great loss and damage of the inhabitants of said town : Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the inhabitants of the town of *Middleton*, aforesaid, may erect and keep in repair a dam, sluice and gate-way, in the brook, at the beginning thereof, near the pond leading from said pond to said river, for the purpose of keeping so much water in said pond as may be sufficient to fill the said brook, so that the young shad and alewives may pass down from said pond into said river : *Provided*, That the water shall not be kept in said pond by means of said dam, after the twentieth day of *October*, in every year ; and *provided also*, That the gate in the sluice hereby authorized to be erected, shall not be shut down before the twentieth day of *April* in every year. A dam, &c. allowed.

SECT. 2. *Be it further enacted*, That the inhabitants of the said town of *Middleton*, be hereby empowered to choose, at any legal meeting of the inhabitants of said town, Committees for the purpose of regulating, as they may think proper, the taking of shad and alewives in the waters of the said pond, and the waters running into and from the same, and preventing obstructions to the said fish passing down said brook, with fines and penalties, not exceeding *three dollars* for each offence, to be recovered in any Court proper to try the same, one moiety to the person who may recover the same, and the other moiety to the use of the said town. Fish Committees to be chosen.

[This Act passed June 18, 1802.]

An ACT regulating the Collection of Taxes in the Town of *Boston*, and providing for the Appointment of Constables in the said Town. Additional Act, June 12, 1803.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Selectmen of the town of *Boston* be, and they are hereby empowered to appoint annually, such a number Selectmen to appoint Constables.

number of persons as Constables in the said town, as the public service may require; and the said Constables so appointed shall give bonds to the Treasurer of the town of *Boston*, in such sums, and on such conditions, as the said Selectmen shall think proper, for the faithful performance of the duties of their office: And the Constables so appointed by the Selectmen, shall have the same powers as are by law vested in Constables chosen by the towns in this Commonwealth.

Assistant Assessors to be appointed.

SECT. 2. *And be it further enacted*, That the inhabitants of the town of *Boston* shall assemble annually on the first Wednesday in *April*, in their respective wards, and shall then choose and appoint two persons in each of their respective wards to assist the Assessors in taking a list of the polls, in estimating the value of their personal property, and in appraising the value of all real estates in their own wards; and the twenty-four persons thus chosen shall meet and appoint three persons, whom they shall judge best qualified to serve the town in the office of Assessors, the ensuing year, which Assessors shall have the same powers as are vested by law in Assessors chosen by other towns in this Commonwealth: And in case of the death or resignation of any person so chosen, in either of the wards, the Clerk of such ward is empowered and directed to call a new meeting of the ward to choose a suitable person to supply the place of the person so dead or declining to serve.

Town-Treasurer to be Collector of taxes.

SECT. 3. *And be it further enacted*, That the Treasurer of the town of *Boston* shall be the Collector of taxes in the said town, and shall be, and hereby is empowered to substitute and appoint under him, such and so many deputies or assistants, as the service may be found to require, who shall give bonds for the faithful discharge of their duty, in such sums, and with such sureties, as the Selectmen of said town shall think proper: And the said Collector, and his deputy or deputies, shall have the same powers as are vested by law in Collectors of taxes, chosen by other towns in this Commonwealth.

Discount for early payment of taxes.

SECT. 4. *And be it further enacted*, That all such inhabitants of the said town of *Boston*, who shall voluntarily pay to the said town Collector or his deputy, within thirty days next after the delivery of their tax bills, the amount of their respective taxes, shall be entitled to an abatement of *five per centum* on the amount of their said taxes; and such inhabitants of said town, who shall voluntarily pay their said taxes to the said Collector or his deputy, within sixty days after the delivery of their tax bills, shall be entitled to an abatement of *three per centum* on the amount of their said taxes; and all such of the said inhabitants, who shall so pay to the said Collector

or

or his deputy, within one hundred and twenty days next after the delivery of their tax bills, shall be entitled to an abatement of *two per centum* on the amount of their said taxes.

[This Act passed June 18, 1802.]

An ACT to set off *Ward Nicholas Boylston*, of *Roxbury*, with his Estate on *Jamaica Plain*, from the first to the third Precinct or Parish in *Roxbury*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Ward Nicholas Boylston*, of *Roxbury*, in the county of *Norfolk*, with his estate there, consisting of a dwelling-house and nine acres of land, more or less, be, and hereby is set off from the first and annexed to the third parish in *Roxbury*, on *Jamaica Plain*: *Provided*, the said *Boylston* shall pay his proportion of parish charges due from him to said first parish prior to the date of this Act.

[This Act passed June 21, 1802.]

An ACT to empower the Selectmen of the Town of *Roxbury* to increase the Number of Engine-Men in said Town.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Selectmen of the town of *Roxbury* be, and they hereby are authorized and empowered (if they shall judge it expedient) to nominate and appoint, as soon as may be after the passing of this Act, and ever after, in the month of *January* annually, any number not exceeding six men to each engine, in addition to the number of men now authorized by law.

[This Act passed June 21, 1802.]

An ACT to incorporate the Plantation called *Flintstown*, in the County of *Cumberland*, into a Town by the Name of *Baldwin*.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the plantation of *Flintstown* in the county of *Cumberland*, bounded as follows, viz. Beginning on *Saco River*, at the westerly corner of *Standish*; thence north-easterly, on said *Standish*, to *Sebago Pond*; thence northerly, on said pond, to *Muddy River* mouth; thence north, thirty-six degrees

Boundaries incorporated.

degree east, five hundred and twenty-two rods, to *Raymondtown Plantation*; thence north-west, on said *Raymondtown* and *Otisfield*, to *Bridgeton* south-easterly line; thence south-westerly, by said *Bridgeton*, to the line of *Brownfield*; thence south, thirty degrees east, by said *Brownfield*, five hundred and sixteen rods, to the easterly corner of said *Brownfield*; thence south, sixty degrees west, on said *Brownfield*, three miles, to *Prescott's Grant*, so called; thence south, on said *Prescott's Grant*, four hundred rods; thence south, sixty degrees west, still on said *Prescott's Grant*, one mile, to *Saco River*; thence down said river to the bound first-mentioned; with the inhabitants thereon, be, and they hereby are incorporated into a town by the name of *Baldwin*: And the said town is hereby vested with all the powers, privileges and immunities which other towns in this Commonwealth do or may by law enjoy.

SECT. 2. And be it further enacted, That *Josiah Peirce*, Esq. be, and he hereby is empowered to issue his warrant, directed to some suitable inhabitant within said town, requiring him to warn a meeting of the inhabitants thereof, to meet at such time and place as shall be expressed in said warrant, for the purpose of choosing such town officers as other towns are empowered to choose in the month of *March* or *April* annually.

[This Act passed June 23, 1802.]

An ACT to alter the Names of certain Persons therein mentioned.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this Act, *Breck Brigham*, of *Worcester*, in the county of *Worcester*, shall be allowed to take the name of *Robert Breck Brigham*; and that *John Ambourlain*, of *Roxbury*, in the county of *Norfolk*, a minor and ward of *Martin Brimmer*, shall be allowed to take the name of *John A. Brimmer*; and that *William Orne*, a minor, son of *William Orne*, of *Salem*, in the county of *Essex*, be allowed to take the name of *William Putnam Orne*; and that *William Gray*, a minor, son of *William Gray*, jun. of *Salem*, be allowed to take the name of *William Rufus Gray*: And said persons shall in future be respectively known and called by the names which they are respectively allowed to take as aforesaid, and the same shall be considered as their only proper names to all intents and purposes.

[This Act passed June 23, 1802.]

Names of Breck
Brigham, John
Ambourlain.
Wm. Orne, &
Wm. Gray, al-
tered.

An ACT to incorporate the Plantations called *Duck Trap*, and *Canaan*, into a Town by the Name of *Lincolnvil*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the plantations heretofore called Duck Trap, and Canaan, lying partly in the county of Lincoln, and partly in the county of Hancock, as described within the following boundaries, with the inhabitants thereon, be, and they are hereby incorporated into a town by the name of Lincolnvil: Beginning at a fir tree standing on the westerly bank of Penobscot Bay, it being the north-east corner of Camden; thence running north-west-by-north, on said Camden line, one mile, to a spruce tree marked for a corner; thence north eighty-four degrees west, on Camden line, three miles and about two hundred and forty rods, to a pine tree standing on the south-west side of Smith's Neck; thence north thirty-four degrees west, on Barretstown line, or the line of the twenty associates, three miles and one hundred and sixty rods, to a stake and stones, making a corner; thence north-east-by-east, about six miles, to the west corner of Northport, marked Northport corner; thence south-east on Northport line, one mile and two hundred and seventeen rods, to a black ash tree, standing at the north-west end of Duck Trap Pond; thence south thirty-five degrees east, adjoining on Northport, down said pond, two miles and one hundred and thirty-seven rods, to a brook that falls into the south-east end of said pond; thence south fifty-six degrees east, adjoining on said Northport, up said brook, one hundred and forty-five rods, to a stake standing on the bank of said brook; thence south twelve degrees east, on Northport line, one mile and two hundred rods, to a stake and stones, standing on the westerly bank of Penobscot Bay, it being the south corner of Northport; thence bounding on the said bay, to the corner first-mentioned: And the said town of Lincolnvil is hereby vested with all the powers, privileges, rights and immunities, to which other towns are entitled by the Constitution and laws of this Commonwealth.*

Boundaries;

SECT. 2. *And be it further enacted, That the whole of the said township is hereby annexed to, and shall in future be a part of the county of Hancock.*

Annexed to
the county of
Hancock,

SECT. 3. *And be it further enacted, That George Ulmer, Esq. be, and he is hereby authorized to issue a warrant, directed to some suitable person, an inhabitant of the said town of Lincolnvil, requiring him to notify and warn the inhabitants thereof*

First meeting.

thereof to assemble at some convenient time and place, as shall be expressed in the said warrant, for the choice of such officers as towns are by law empowered to choose in the months of *March* or *April* annually.

[This Act passed June 23, 1802.]

Additional Act,
Feb. 10, 1804.

An ACT to establish a School in the South Parish in the Town of *Attleborough*, by the Name of *Franklin School*, and for incorporating the Trustees of the said School into a Body Politic.

Preamble.

WHEREAS the education of youth has ever been considered by the wise and good, as an object of the highest consequence to the safety and happiness of a free people: And whereas *Abijah Everett*, of *Attleborough*, in the county of *Bristol*, physician, and *Abigail* his wife, by their deed, made and executed on the tenth day of *April*, in the year of our Lord, one thousand and eight hundred, gave, granted and conveyed unto *Peter Thacher* and others, herein named, and to their heirs forever, a certain piece of land situate in the second parish or precinct in said *Attleborough*, to be holden in fifty-four rights or shares, to the use and upon the trust, that the rents and profits thereof be forever appropriated to the support of a school, in the said second precinct forever, for the instruction of youth, in such languages, and in such branches of science, as are usually taught in schools: And whereas the execution of the generous intentions of the donors towards the said institution, may be attended with embarrassments, unless by an Act of incorporation the Trustees and their successors shall be authorized to commence and prosecute actions at law, and to transact such other matters in their corporate capacity, as the interest of the said school may require.

School estab-
lished.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That there be, and hereby is established in the south parish or precinct in *Attleborough*, in the county of *Bristol*, a school by the name of *The Franklin School*, for the promotion of virtue, and the instruction of youth of each sex, in such languages, and in such branches of the arts and sciences, as the said Trustees may from time to time think expedient, and within the income and funds of the said school to support.

And whereas the said *Abijah* and *Abigail Everett*, for the benevolent purpose of endowing said school with a permanent income, by the deed abovementioned, have given, granted and conveyed unto *Peter Thacher*, yeoman, *Abiather Richardson*, gentleman,

gentleman, *Gideon Sweet*, yeoman, *Nathaniel Robinson*, gentleman, *Ebenezer Tyler* the second, gentleman, *Daniel Carpenter*, jun. yeoman, *Eliphalet Wilmarth*, gentleman, *Daniel Carpenter*, yeoman, *Caleb Richardson*, jun. yeoman, *Benjamin Bolkom*, gentleman, *Henry Sweet*, jun. gentleman, *Elijah Ingraham*, yeoman, *Dexter Sweet*, yeoman, *Gideon Sweet*, jun. yeoman, *John Wilmarth*, yeoman, *Noah Blandin*, yeoman, *Noah Tiffany*, gentleman, *Jonathan Robinson*, yeoman, *Joshua Bassett*, yeoman, *Olis Capron*, yeoman, *Elijah Capron*, gentleman, *Abiather Richardson*, jun. yeoman, *Nehemiah Bourn*, yeoman, and *Jonathan Peck*, yeoman, the said lot of land, on condition that the income thereof be appropriated in educating the children of the said *Peter Thacher* and others, the grantees aforesaid, and their heirs and assigns forever.

Grantees, on condition.

SECT. 2. *Be it therefore enacted*, That the said *Peter Thacher* and others, the grantees before-named be, and hereby are constituted and made a Body Politic and Corporate, by the name of *The Trustees of Franklin School*, for the purposes expressed in the deed of the said *Abijah* and *Abigail Everett*; and they are hereby vested with the powers, privileges, rights and immunities hereinafter granted: And the said Trustees and their successors shall have perpetual succession, and by the same name may sue and be sued, in all actions, real, personal or mixed; and shall have a common seal, which they may change, alter and renew at pleasure.

Corporate name.

SECT. 3. *And be it further enacted*, That the said *Peter Thacher* and others, the grantees before named, and their heirs and assigns forever, shall be the true and sole Visitors, Trustees and Governors of the said *Franklin School*, and may appoint a President, Secretary, Treasurer, Preceptor and such other officers as they shall, from time to time, judge necessary for the interest, and convenient for the best regulation and support of the said school, and to make such rules, orders and by-laws for the good government thereof, with adequate penalties for the breach of them, as the said Trustees and their successors shall think expedient: *Provided*, That the said rules, orders and by-laws be in no wise repugnant to the laws of this Commonwealth.

Grantees made Trustees, &c.

SECT. 4. *And be it further enacted*, That at any legal meeting of the said Trustees regularly notified, all the concerns of the said school shall be regulated and determined upon by the major part of the voters present, and the number of votes shall be determined by the number of rights or shares each voter holds or represents; excepting only, that nothing contained in this Act shall prevent the said grantees from fixing the number of Trustees necessary to form a quorum, to transact the ordinary business of the said Corporation.

Concerns of the school to be determined by vote of the Trustees.

SECT.

Trustees au-
thorized to re-
ceive estate.

Proviso.

SECT. 5. *And be it further enacted*, That the Trustees afore-said, and their successors, be, and they are hereby rendered capable in law, to take and receive by gift, grant, devise, bequest, or otherwise, any lands, tenements or other estate, real and personal: *Provided* the annual income of the said real estate shall not exceed *five hundred dollars*, and the annual income of the personal estate shall not exceed *five hundred dollars*; to have and to hold the same to them the said Trustees and their successors, on such terms, and under such provisions and limitations, as may be expressed in any deed or instrument of conveyance to them made: *Provided always*, That neither the said Trustees nor their successors, shall ever hereafter receive any grant or donation, the condition whereof shall require them or any others concerned, to act in any respect counter to the design of the beforementioned *Abijah and Abigail Everett*, as expressed in the aforementioned deed; and all deeds and instruments, which the said Trustees may lawfully make, shall, when made in the name of the said Trustees, and signed and delivered by the Treasurer, and sealed with their common seal, bind the said Trustees and their successors, and be valid in law.

First meeting.

SECT. 6. *And be it further enacted*, That *Ebenezer Tyler*, Esq. be, and he is hereby authorized to issue his warrant directed to any three of the said grantees, requiring them to notify and appoint a convenient time and place for the first meeting of the said Corporation.

[This Act passed June 23, 1802.]

March 1, 1798.

An ACT to exempt a certain Stream issuing from *Pattee's Pond*, in the Town of *Winslow*, into *Sabeslekook River*, from the Operation of all Laws for regulating the Fisheries in the Counties of *Lincoln* and *Cumberland*, and for repealing all other Laws heretofore made for that Purpose.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all the laws heretofore made which regulate the taking of salmon, shad and alewives, or any other fish, in the said stream issuing from the said *Pattee's Pond*, in the town of *Winslow*, into *Sabeslekook River*, in the county of *Kennebeck*, be so far repealed, that from and after the passing of this Act they shall cease to operate, or have any effect in the said stream issuing from *Pattee's Pond*, into the said *Sabeslekook River*.

[This Act passed June 23, 1802.]

An ACT to divide the Town of *Winslow*, in the County of *Kennebeck*, and to incorporate the westerly Part thereof into a separate Town by the Name of *Waterville*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all that part of the town of *Winslow* which lies on the west side of *Kennebeck River*, as known by its present bounds, and by a line drawn on the middle of *Kennebeck River*, as its future eastern boundary, be, and hereby is incorporated into a separate town by the name of *Waterville*: And the inhabitants of the said town are hereby vested with all the powers, privileges, rights and immunities with which other towns are invested by the Constitution and laws of this Commonwealth.

Boundaries.

SECT. 2. *And be it further enacted,* That the said town of *Waterville* shall pay all arrears of taxes which have been assessed upon them, together with their proportion of all debts owed by the said town of *Winslow* prior to the date of this Act, excepting such debts as concern the building of their meeting-houses, which shall be due from the said town when divided, or damages the town may then be liable to pay, shall be apportioned and paid by each town in proportion, according to the present valuation; and all dues and demands, other than those which include the expenses of meeting-houses belonging to the town when divided, shall hereafter be adjusted, divided and paid to each of the said towns in proportion, according to the present valuation: And the proceeds of the sales of all the pews on the lower floors in the two meeting-houses standing on the banks of the *Kennebeck*, as also the monies voted to complete the same, shall be equally divided between the said towns after a division; and the monies assessed for the building a meeting-house in the *West-Pond* settlement, shall be paid and exclusively appropriated to that purpose, and subject to no demand of the said town of *Winslow*: And the deficiencies of monies which may be due to the several school districts in the said town when divided, shall be paid out of the common treasury of the present town of *Winslow*.

Provision respecting taxes, debts, rights in the meeting-houses, &c.

SECT. 3. *And be it further enacted,* That all future state taxes which may be levied on the two towns aforesaid previous to a new valuation, shall be assessed and paid in the proportion of two-fifths by the town of *Winslow*, and of three-fifths by the town of *Waterville*.

Apportionment of future taxes.

SECT. 4. *And be it further enacted,* That all other property now belonging to the said town of *Winslow*, not mentioned in the foregoing sections, shall be divided between the said towns

Provision respecting property not enumerated.

of

of *Winslow* and *Waterville*, in the same proportions as mentioned in the second section of this Act.

SECT. 5. *And be it further enacted*, That any Justice of the Peace of the said county of *Kennebeck* be, and he is hereby authorized, upon application therefor, to issue a warrant directed to some suitable person, an inhabitant of the said town of *Waterville*, requiring him to notify and warn the inhabitants thereof, qualified by law to vote in town affairs, to assemble at such convenient time and place as shall be expressed in the said warrant, to choose such officers as towns are by law empowered to choose in the month of *March* or *April* annually.

[This Act passed June 23, 1802.]

An ACT authorizing *Daniel Barrett* to make a Turnpike Road over *Meguntekook Mountain*, in the Town of *Camden*, in the County of *Lincoln*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the said *Daniel Barrett* be, and he is hereby authorized to make a turnpike road over *Meguntekook Mountain*, in the town of *Camden*, by the following route: Beginning at a birch tree, the boundary line between the plantation of *Canaan* and the town of *Camden*; thence running south, four degrees east, forty-four rods; thence south, six degrees east, forty rods; thence south, seventeen degrees east, fifty-four rods; thence south, twenty degrees east, one hundred and twenty-six rods; thence south, thirty-two degrees east, fifty-four rods, to the south-easterly side of *Smelt Brook*, so called, agreeably to the plan and survey of the said road, being about one mile in length; and that the made way and path for travelling be in no place less than ten feet wide, and where the mountain and pond will admit to be sixteen feet wide, with eleven places for turning out, at proper distances, as marked in the plan and survey of said road, for the accommodation of teams in passing over the said *Meguntekook Mountain*.

And whereas the travel on the said road will be inconsiderable, and the expense of making the same great, and a consequent disproportion of profits compared with other turnpikes, and it being reasonable that the said *Barrett* should be indemnified for his advances and disbursements:

SECT. 2. *Be it further enacted*, That the said *Barrett* shall have liberty to erect one turnpike gate at the southerly end of the said road, and shall thereat be authorized to demand and receive toll at the following rates, viz. For every foot passenger, *three cents*; for every man and horse, *eight cents*; for every cart and

and two oxen, *twelve and a half cents*, for every additional yoke of oxen, *four cents*; for every waggon and team, *twenty cents*; for every single sleigh and horse, *ten cents*; for every sleigh and two horses, *twelve and a half cents*; for every sled and one yoke of oxen, *twelve and a half cents*, for every additional yoke of oxen, *four cents*, and every additional horse, in any conveyance, *two cents*; for all neat cattle or horses, whether single or in droves, *one cent* for each head; for sheep and swine, *three cents* for each dozen: And there shall be constantly kept in a conspicuous place, and exposed to open view, a sign or board, with the rates of toll of all the tollable articles fairly and legibly written thereon, in large or capital characters: *Provided how-* Proviso.
ever, That said toll may be commuted with any person or persons, by taking of him or them a certain sum annually, as may be mutually agreed on, in lieu of the toll aforesaid.

SECT. 3. *Be it further enacted*, That if any person shall cut, break down, or otherwise injure or destroy the said turnpike gate, or the sign board of rates, or any other appurtenance of the said gate, or shall forcibly pass or attempt to pass the said gates, without having first paid the legal toll at such gate, such person shall forfeit and pay a fine not exceeding *fifty dollars* nor less than *ten dollars*, to be recovered by the said *Barrett*, in an action of trespass or on the case: And if any person with his team, cattle or horse turn out of the said road to pass the turnpike gate, and again enter on the said road, with intent to evade the toll due by virtue of this Act, such person shall forfeit and pay three times so much as the legal toll would have been, to be recovered by the said *Barrett*, in an action of debt or on the case: *Provided*, That nothing in this Act shall extend to entitle the said *Barrett* to demand or receive toll of any person who shall be passing with his horse or carriage to or from public worship on the Lord's-day, or with his horse, team or cattle to or from his common labour on his farm, or to or from any grist-mill, or on the common and ordinary business of his family concerns, or from any person or persons passing on military duty, or in going to or returning from schools, town-meetings and funerals. Penalty for injuring the gate or forcibly passing.

SECT. 4. *And be it further enacted*, That if the said *Barrett*, or the toll-gatherer, or others in their employ on the said turnpike, shall unreasonably delay or hinder any traveller or passenger, or shall demand or receive more toll than is by this Act established, the said *Barrett* shall forfeit and pay a sum not exceeding *ten dollars*, nor less than *five dollars*, to be recovered before any Justice of the Peace of the county where the offence shall be committed, by any person so injured, delayed or defrauded, in a special action of the case; the writ in which shall be served on said *Barrett* seven days before the trial: Proviso.
 And — for delay and extortion.

And the said *Barrett* shall be also liable to pay all damages that shall happen to any person from whom toll is demandable, for any defect or want of repairs on the said turnpike, and shall also be liable to presentment of the Grand Jury, for not keeping the same in good repair.

SECT. 5. *And be it further enacted*, That the said *Barrett* shall, within six months after the said road is completed, deposit in the Secretary's office an account of the expenses thereof; and shall also annually exhibit to the Governor and Council a true account of the income or dividend arising from the said toll, with the necessary annual disbursements on the said road, and that the books of the said Corporation shall at all times be subject to the inspection of a Committee, to be appointed by the General Court, or to the inspection of the Governor and Council, when called for.

Statements of the expense, & income and disbursements, to be made.

Road to be vested in the State when the Proprietor is indemnified.

SECT. 6. *And be it further enacted*, That whenever it shall appear to the satisfaction of the General Court, that the income arising from the said toll shall have fully compensated the said *Barrett* for all his expenses in making and keeping the said road in good repair, together with an interest thereon at the rate of *twelve per centum* by the year, the property of the said road shall be thereupon vested in the Commonwealth, and be at the disposal of the Legislature: *Provided*, That if the said *Barrett* shall neglect to make and complete the said turnpike road for the space of four years from the passing of this Act, the same shall be void and of no effect.

[This Act passed *June 23, 1802.*]

An ACT to incorporate a Number of the Inhabitants of the Towns of *Readfield, Winthrop, Hallowell, and Augusta*, in the County of *Kennebeck*, into a Religious Society by the Name of *The First Baptist Society in Readfield*.

Persons incorporated.

SECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Ebenezer Hewins, Daniel Day, Daniel New- man, Jacob Smith, Daniel Caldwell, Joseph Ham, Heman Winslow, Thomas Allen, Levi Morrill, jun. David Hanan, Timothy Brainard, John Shed, Timothy Goldthwait, James Allen, David Daniels, Joseph Johnson, John Gage, Francis Fuller, William Briggs, Levi Morrill, Joseph Rice, William Richards, Joel White, John Cummings, Lemuel Capon, Phineas Wood, John Evans, John Bond, James Taylor, Shubael Gage, and John Lane*, with their families and estates, with such others belonging to either of the towns aforesaid, as have or may hereafter associate themselves

selves for the same purpose, in the manner hereafter described, be, and they are hereby incorporated into a Religious Society, by the name of *The First Baptist Society in Readfield*, with all the powers, privileges and immunities to which other parishes are entitled by the Constitution and laws of this Commonwealth, for religious purposes only.

SECT. 2. *Be it further enacted*, That any person belonging to either of the towns aforesaid, who may at any time hereafter actually become a member of, and unite in religious worship with the Society aforesaid, and give in his or her name to the town or parish to which he or she belongs, with a certificate signed by the Minister or Clerk of said Society, that he or she has actually become a member of, and united in religious worship with the aforesaid Baptist Society in *Readfield*, fourteen days previous to the town or parish meetings therein to be held in the month of *March* or *April* annually, shall, from and after giving such certificate, with his or her polls and estates, be considered as part of said Society: *Provided however*, That such person shall be held to pay the proportion of all money assessed in the town or parish to which he or she belonged previous to that time.

How to become a member of the Baptist Society in Readfield.

SECT. 3. *Be it enacted*, That if any member of said Baptist Society shall at any time see cause to leave the same, and unite in religious worship with the town or parish in which he or she may reside, and shall lodge a certificate of such his intention with the Clerk or Minister of said Baptist Society, and also with the Clerk of the town or parish in which he or she may reside, fourteen days at least before the annual town or parish meeting, to be held therein in the month of *March* or *April*, and shall pay his or her proportion of all money assessed on said Society previous thereto, such person shall, from and after giving such certificate, with his or her polls and estates, be considered as belonging to the town or parish or Society in which he or she may reside, in the same manner as if he or she had never belonged to the said Baptist Society.

How to leave the Society.

SECT. 4. *And be it further enacted*, That *John Hubbard*, Esq. be, and he is hereby authorized to issue a warrant, directed to some suitable member of said Baptist Society, requiring him to notify and warn the members thereof, to meet at such time and place as shall be appointed in said warrant, to choose such officers as parishes in this Commonwealth are by law authorized to choose in the month of *March* or *April* annually.

First meeting.

[This Act passed *June 23, 1802.*]

An

An ACT for authorizing the Proprietors of Mills on
Presumpscott River to form and keep Booms across
the same River at certain Places.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Proprietors and owners of the mills on the river *Presumpscott*, on *Saccarappa Falls* and *Presumpscott Falls* thereon, shall respectively have authority to form and maintain Booms across the same river in the following manner, that is to say: That the Proprietors and owners of the said mills respectively shall and may form and keep Booms across the same river, above their respective mills, and as near the same as it can conveniently and usefully be done; and that the said owners shall also have power to form above their respective Booms near their said mills, one other Boom across the same river, and at a distance from their said Booms near their mills, suitable for the following purpose, that is to say: That their said upper Booms shall be so far from the others, that room may be had for forming side Booms to hold all the logs, masts, timber and lumber that is to be detained there above the several Booms near the mills, let the same be more or less: And the said Proprietors and owners, and any other persons who shall have logs, timber, masts, or any kind of lumber in the same river, and stopped by the said Booms, shall be obliged to remove the same from such upper Boom to the side Booms, or some other place, as soon as the same can be done with all the force and labour that can be conveniently employed in effecting the same business; to the intent that those who are about to carry their logs, lumber or other property in the same river further down, may not be unnecessarily interrupted therein: And that the owners of the same Booms shall be holden and

Passage-ways
for vessels, rafts,
&c. to be pro-
vided.

Proprietors
considered as
tenants in com-
mon of the
Booms. May
hold meetings,
&c. &c.

obliged to make a sufficient passage-way round or through their several Booms, which they shall open from time to time as often and whenever any rafts, logs or timber, boats or vessels shall want a passage up or down the said river.

SECT. 2. *Be it further enacted,* That the owners and Proprietors of the mills on *Saccarappa Falls*, on said *Presumpscott River*, and the Proprietors and owners of the mills on *Presumpscott Falls*, on the same river, shall respectively, that is to say, all the Proprietors and owners of all the mills on the falls first-mentioned by themselves, and the Proprietors of all the mills on the falls last mentioned by themselves, shall be considered as tenants in common of all the Booms by them respectively formed under this Act, and may respectively unite in holding meetings for directing the establishment of such Booms, and

and shall have authority at meetings duly notified, according to the laws for calling meetings of tenants in common, to choose agents, and to raise taxes for defraying the expenses of forming and maintaining such Booms, (and all other matters that concern them as tenants in common respectively in the aforesaid mills :) And if any owner or Proprietor of such mills, shall neglect or refuse to pay his tax within fifteen days after he is notified of the same, the Treasurer chosen by the said owners and Proprietors severally, of the mills, on the respective falls above-mentioned, shall have a right to recover the same by an action of debt.

SECT. 3. *Be it further enacted*, That if any person shall cut, break or injure such Boom or Booms, he shall be punished by fine or imprisonment, on conviction thereof in the Supreme Judicial Court, and by binding to his good behaviour at the discretion of the Court : And that the Proprietors and owners of the mills on each of the falls aforesaid, shall be liable to a fine as a Corporation for not complying with this Act, at the discretion of the Supreme Judicial Court, before which conviction shall be had on presentment by the Grand Jury : *Provided nevertheless*, That such conviction shall not be construed to prevent any individual from recovering damages which he may have sustained, either by a delay to make a passage round or through any of said Booms, or by cutting, breaking or destroying any of them without legal justification.

SECT. 4. *And be it further enacted*, That the Proprietors and owners of saw-mills, on any of the falls on said *Presumpscott River*, shall have power to form Booms across the said river, for the use and benefit of their respective saw-mills, under the same restrictions, rules and obligations, as are granted and enjoined upon the Proprietors and owners of saw-mills on *Saccarappa* and *Presumpscott Falls*.

[This Act passed *June 23, 1802.*]

An ACT to incorporate a Number of the Inhabitants of the Town of *Great-Barrington*, in the County of *Berkshire*, into a distinct Religious Society, by the Name of *The First Baptist Society in Great-Barrington*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *John Nichols, Jonas Wickwire, Silas Lester, Israel Haldridge, Ebenezer Smith, Isaac D. Lamotte, Josiah Baker, Miles Avery, Moses Smith, Ezra Chapman, Hugh Humphrey, William Blin, Jesse Smith, Elnathan Judd, Justus Deming, Festus Ray, Jeremiah Ray, Artemas Ray, Samuel Billings, Seth Morse,* *Persons incor-*
Aaron *porated.*

Aaron Graham, Elijah Andrews, Lieb Chapman, Joseph Leard, Nathan Palmer, Nathaniel Porter, William Patterson, jun. Lancaster Comstock, Abiel Wedge, Benjamin Prichard, Richard Kilborn, Lemman Kilbourn, William Ross, Ladowick Gardner, Thomas Ross, Thomas Ross, jun. Zachariah Dresser, Ezra Dresser, Jacob Cooley, Isaac Tooley, Joseph Rhoades, Elijah Kilburn, Abel Hall, Job Hall, Ezra Chapman, Jason Dobey, Phineas Atwood, Peregrine Comstock, John Lard, David Patterson, Levi Humphrey, Hezekiah Atwood, William Ray, together with their families and estates, together with such others as have or may hereafter associate themselves for the same purpose, in the manner hereinafter described, be, and they are hereby incorporated into a religious Society, by the name of The First Baptist Society in Great-Barrington, with all the privileges, powers and immunities to which other parishes are entitled by the Constitution and laws of this Commonwealth, for religious purposes only.

How to leave another Society to join this. SECT. 2. *Be it further enacted, That any person in the town of Great-Barrington aforesaid, being of the Baptist denomination aforesaid, who may at any time hereafter actually become a member of and unite in religious worship with the said Society, and give in his or her name to the Clerk of the town or parish to which he or she belongs, with a certificate signed by the Minister or Clerk of said Society, that he or she has actually become a member of, and united in religious worship with the aforesaid Baptist Society in Barrington aforesaid, fourteen days previous to the town or parish meeting therein to be held in the month of March or April annually, shall, from and after giving such certificate, with his or her polls and estates, be considered as part of said Society: Provided however, That such person shall be held to pay the proportion of all money assessed in the town or parish to which he or she belonged previous to that time.*

Proviso.

How to leave this Society. SECT. 3. *Be it further enacted, That if any member of said Baptist Society shall at any time see cause to leave the same, and unite in religious worship with the parish in which he may reside, and shall lodge a certificate of such his or her intention, with the Clerk or Minister of said Baptist Society, and also with the Clerk of the town or parish in which he may reside, fourteen days at least before the annual town or parish meeting to be held therein in the month of March or April, and shall pay his proportion of all money assessed on said Society previous thereto, such person shall, from and after giving such certificates, with his polls and estates, be considered as belonging to the town or parish in which he may reside, in the same manner as if he had never belonged to said Baptist Society.*

SECT. 4. *And be it further enacted, That Barnabas Bidwell, Esq. be, and he is hereby authorized to issue a warrant, directed*

to some suitable member of said Baptist Society, requiring him to notify and warn the members thereof, to meet at such time and place as shall be appointed in said warrant, to choose such officers as parishes in this Commonwealth are by law authorized to choose in the month of *March* or *April* annually.

[This Act passed *June 23, 1802.*]

An ACT for establishing a Turnpike Corporation within the Town of Scarborough. Additional Act,
Feb. 18, 1803.

SECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Robert Southgate, Esq. William King, Cyrus King, Benjamin Porter, Joseph Leland, Ebenezer Libby, Major Josiah Libby, William Thompson, Esq. Reuben Fegg, James March, John Watson, Jonathan Libby, John M. Milliken, Samuel Milliken, together with such others as may hereafter associate with them and their successors, shall be a Corporation by the name of The First Cumberland Turnpike Corporation, with all the privileges and powers incident to Corporations, for the purpose of laying out, making and keeping in repair a turnpike road in said Scarborough, to commence at a bridge near the dwelling-house of Nathaniel Moses, from thence running across the upland and marsh, in a south-westerly course, between the dwelling-houses of Edward and Jeremiah Milliken, until it meets the present county road, near the said Edward Milliken's dwelling-house; which turnpike road shall not be less than four rods wide, and the part to be travelled on not less than twenty-two feet in width in any part thereof; and over the whole extent of the marsh at least twenty-four feet wide, and secured with sufficient railing on each side; and when said road shall be sufficiently made, and shall be allowed and approved by the Justices of the Court of Sessions of the county of Cumberland, at any term thereof, then the said Corporation shall be authorized and empowered to erect a turnpike gate on the same, in such manner and place as shall be necessary and convenient; and shall be entitled to receive from each traveller and passenger the following rate of toll, viz. For every coach, phaeton, chariot and other four wheel carriage, twenty cents; and for every cart, wagon or sled, drawn by two oxen or horses, six cents, and if drawn by more than two, a further sum of two cents for every such ox or horse; for every curricule, seventeen cents; for every sleigh, drawn by two horses, six cents; for every chaise, chair or other carriage, drawn by one horse, six cents; for every man and horse, five cents; for all oxen, horses or neat cattle, led or driven, other than those in teams or carriages, one cent and an half*

First meeting.

Persons incorporated.

Course of the road.

Dimensions.

Rates of toll.

Persons whose
lands are taken
are to be in-
demnified.

half each; for all sheep and swine, *three cents* by the dozen, and in the same proportion for a greater or lesser number: *Provided*, That said Corporation may, if they see cause, commute the rate of toll with any Corporation, person or persons, by taking of him or them a certain sum annually, to be mutually agreed on in lieu of the toll aforesaid: And the Justices of the Court of the General Sessions of the Peace in the county of *Cumberland* are hereby authorized, on application from said Corporation, to lay out such road accordingly; and the said Corporation shall be holden to pay all damages which shall arise to any person by taking his land for such road, where it cannot be obtained by voluntary agreement, to be estimated by a Committee appointed by the General Sessions of the Peace, saving to the party the right of trial by Jury, according to a law providing for the recovery of damages happening by laying out highways: And said Corporation shall also be holden to keep open a sufficient number of sluices or passage-ways, for the water above said turnpike to flow off, as will prevent the marsh above from being overflowed, in any degree more than the same was liable to before said turnpike took place.

Penalty for de-
laying passen-
gers or exacting
illegal toll.

SECT. 2. *And be it further enacted*, That if the said Corporation, their toll-gatherers, and others in their employ, shall unreasonably delay or hinder any traveller or passenger at said gates, or shall demand and receive more toll than is by this Act established, the Corporation shall forfeit and pay a sum not exceeding *ten dollars* nor less than *one dollar*, to be recovered before any Justice of the Peace in said county, by any person injured, delayed or defrauded, in a special action on the case; the writ in which action shall be served on the Corporation, by leaving a copy of the same with the Treasurer, or with two individual members of said Corporation living within the county aforesaid, or reading the contents thereof to said Treasurer or individual members, at least seven days before the trial; and the Treasurer of said Corporation, or individual members, shall be allowed to defend the same suit in behalf of said Corporation; and the Corporation shall be liable to pay all damages

Corporation li-
able for all
damages for de-
fects of road,
&c.

which shall happen to any person from whom toll by this Act is demandable, for any damages which shall arise from defect of bridges or want of repairs to said road; and shall also be liable to a fine, on presentment of the Grand Jury, for not keeping the said road, or bridges thereon in due repair; and if the said road, or any part thereof, shall be suffered to be out of

Case in which
the gate may
be ordered to
be set open.

repair, the Justices of the Court of Common Pleas within and for said county, or a major part of them, or a Committee to be appointed for that purpose by said Justices, are hereby authorized to order said gate to be set open; the said Justices, or their Committee, having previously notified the Clerk of said Corpo-

ration

ration of complaint having been made of the badness of the road, at least ten days previously to the ordering said gate to be set open; and immediately upon leaving such order in writing, under the hands of said Justices, or their Committee, with the Clerk of the Corporation, the said gate shall be opened, and no toll shall be legally demandable or taken thereat, until the said Justices, or their Committee, shall grant a counter order.

SECT. 3. *And be it further enacted,* That if any person shall cut, break down, or otherwise injure or destroy the said turnpike gate, or shall dig up or carry away any earth from said road, or in any manner damage the same, or shall forcibly pass, or attempt to pass the said gate by force, without having first paid the legal toll at such gate, such person shall forfeit and pay a fine not exceeding *fifty dollars* nor less than *ten dollars*, to be recovered by the Treasurer of said Corporation to their use, in an action of trespass or on the case: And if any person with his team, cattle or horse, turn out of said road to pass said turnpike gate, and again enter on said road, with intent to evade the toll aforesaid, such person shall forfeit and pay three times so much as the legal toll would have been, to be recovered by the Treasurer of said Corporation, to the use of the same, in an action of debt or on the case: *Provided,* That nothing in this Act shall extend to entitle the said Corporation to demand and receive toll of any person who shall be passing with his horse or carriage to or from public worship, or with his horse, team or cattle to or from his common labour on his farm, or to or from any grist-mill, or on the common and ordinary business of family concerns, or from any person or persons passing on military duty.

Penalty for injuring the gate or road.

Exemptions from toll.

SECT. 4. *And be it further enacted,* That the shares in said turnpike road shall be deemed and considered to be personal estate to all intents and purposes, and shall and may be transferable; and the mode of transferring said shares shall be by deed, acknowledged before any Justice of the Peace, and recorded by the Clerk of said Corporation, in a book for that purpose to be provided and kept; and when any share shall be attached on *mesne process*, or taken in execution, an attested copy of such writ of attachment or execution shall, at the time of the attachment or taking in execution, be left with the Clerk of the Corporation, otherwise the attachment or taking in execution shall be void; and such shares may be sold on execution in the same manner as is or may by law be provided for making sale of personal property on execution, the officer making the sale or the judgment creditor leaving a copy of the execution and the officer's return on the same with the Clerk of said Corporation, within fourteen days after such sale, and paying for the recording of the same, shall be deemed and considered

Shares deemed personal estate. Mode of transfer, attachment, &c.

considered as a sufficient transfer of such share or shares in the said turnpike road.

First meeting. SECT. 5. *And be it further enacted,* That the first meeting of the said Corporation shall be held at the house of *John M. Milliken*, jun. innholder in said *Scarborough*, on the first Monday in *August* next, at two o'clock in the afternoon, for the purpose of choosing a Clerk, who shall be sworn to the faithful discharge of the duties of his said office, and such other officers as may then and there be agreed upon by the said Corporation; and the said Corporation may then establish such rules and regulations as shall be judged necessary for the better management of its affairs; *provided* such regulations shall not be repugnant to the Constitution and laws of the Commonwealth: And the said Corporation may agree upon a method for calling future meetings.

Rules to be established.

A statement of the cost of the bridge, and annual receipts & disbursements to be made.

SECT. 6. *And be it further enacted,* That the said Corporation shall, within six months after the said road is completed, lodge in the Secretary's office, an account of the expenses thereof; and that the Corporation shall annually exhibit to the Governor and Council, a true account of the income or dividend arising from the said toll, with their necessary annual disbursements on said road; and that the books of the said Corporation shall at all times be subject to the inspection of a Committee to be appointed by the General Court, or to the inspection of the Governor and Council, when called for.

Shares of delinquent Proprietors to be sold.

SECT. 7. *And be it further enacted,* That whenever any Proprietor shall neglect or refuse to pay any tax or assessment duly voted and agreed upon by the Corporation, to their Treasurer, within sixty days after the time set for the payment thereof, the Treasurer of the said Corporation is hereby authorized to sell at public vendue, the share or shares of such delinquent Proprietor to such an amount as shall be sufficient to discharge said taxes and necessary incidental charges, after duly notifying in the newspapers printed in *Portland*, the sum due on any such shares, and the time and place of sale, at least thirty days previous to the time of sale; and such sale shall be a sufficient transfer of the share or shares so sold, to the person purchasing the same; and on producing a certificate of such sale from the Treasurer to the Clerk of the said Corporation, the name of such person, with the number of shares so sold, shall be by the Clerk entered on the books of the said Corporation, and such person shall be considered, to all intents and purposes, the Proprietor thereof, and the overplus, if any there be, shall be paid on demand by the Treasurer to the person whose shares were then sold.

SECT. 8. *And be it further enacted,* That the said Corporation shall, at all places where the said toll shall be collected, erect
and

and keep constantly exposed to view a sign or board, with the rates of toll of all the tollable articles fairly and legibly written thereon, in large or capital letters. Sign-board to be erected.

SECT. 9. *And be it further enacted*, That the General Court may dissolve said Corporation whenever it shall appear to their satisfaction, that the income arising from the said toll shall have fully compensated the said Corporation for all monies they have expended in purchasing, repairing and taking care of the said road, together with an interest thereon at the rate of *twelve per centum* by the year; and thereupon the property of the said road shall be vested in this Commonwealth, and be at their disposal: *Provided*, That if the said Corporation shall neglect to complete the said turnpike road for the space of four years from the passing of this Act, the same shall be void and of no effect. Corporation may be dissolved when indemnified, with interest, &c.

[This Act passed June 24, 1802.]

An ACT to authorize *George Ulmer* to build a Toll Bridge at *Lincolnville*, in the County of *Hancock*. Additional Act, March 14, 1805.

WHEREAS a Bridge over the place called *Duck-Trap*, in the town of *Lincolnville*, in the county of *Hancock*, would be of great public utility, and requires legislative encouragement to enable the projectors to prosecute their undertaking to effect: Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *George Ulmer*, together with those who have or may hereafter associate with him, he, and they are hereby authorized to build and maintain a Bridge over and at a place called *Duck-Trap*, in the town of *Lincolnville*, in the county of *Hancock*; and for that purpose shall have all the powers and privileges incident to Corporations for building bridges, by the name and style of *The Proprietors of the Duck-Trap Bridge*; and by that name may sue and be sued, defend and be defended, prosecute and be prosecuted to final judgment and execution; and do and suffer all such matters and things as Bodies Politic may or ought to do and suffer. Corporate name.

SECT. 2. *And be it further enacted*, That the said Bridge shall be well built, of suitable materials, at least twenty feet wide, with sufficient rails on each side, and with planking or boarding three feet high from the floor of said Bridge for the safety of passengers; and the whole shall be kept in good, safe and passable repair: And if the said Proprietors shall unreasonably neglect to keep the said Bridge in good repair as Dimensions, materials of the Bridge, &c. Bridge to be kept in repair.
aforesaid,

aforefaid, on fuch neglect being made to appear to the Court of General Sessions of the Peace, for the county of *Hancock*, it fhall be in the power of the faid Court to prohibit the Proprietors aforefaid from receiving toll from any perfon or perfons paffing the faid Bridge, until it is by them put into fuch repair, as fhall be deemed fufficient by the faid Court : And the faid Proprietors fhall be liable to pay all damages, which may happen to any perfon from whom the toll is demandable, for any damage which fhall come from any defect or want of repair in the faid Bridge, upon a prefentment of the Grand Jury of the faid county.

SECT. 3. *And be it further enacted*, That for the reimbursing to the faid *Gorge Ulmer* and his affociates, the monies they may expend in building the faid Bridge, and keeping the fame in repair, a toll is hereby granted and eftablifhed for the fole benefit of the faid *George Ulmer* and his affociates, according to the following rates, viz. For each foot paffenger, *three cents*; for each man and horfe, *ten cents*; for each horfe and chaise, fulkey or riding chair, *twenty cents*; for each fleigh or fled, waggon or cart, drawn by one beaft, *twelve and an half cents*; for each fleigh, fled, waggon or cart, drawn by two beafts, *fifteen cents*; and if drawn by more than two beafts, an additional fum of *three cents* for each beaft; for neat cattle fingly or in droves, *two cents* each; and for fheep or fwine, *one cent* each; and to each team one perfon and no more fhall be allowed as a driver to pafs free from toll: And at all times when the toll-gatherer fhall not attend his duty, the paffenger or carriage may pafs free of toll: And the faid toll fhall commence on the day of opening the faid Bridge for paffengers, and fhall continue for and during the term of forty years, at the end of which time the faid Bridge fhall be delivered up in good repair, to be at the difpofal of the Legiflature: *Provided always*, That at the time of opening the faid Bridge, the Proprietors and their fucceffors fhall caufe a true and juft account of the expenfes thereof, and alfo at the end of every three years afterwards a juft and true account of their receipts and difburfements, to be depofited in the office of the Secretary of this Commonwealth; and that when ten years have elapfed from the date of this Act, the Legiflature may regulate anew the rates of toll receivable at the faid Bridge: And the faid Proprietors fhall constantly keep in a conspicuous place, and fairly expofed to view, a fign or board, with the rates of toll of all the tollable articles, legibly written thereon in large or capital characters: *Provided however*, That the faid toll may be commuted with any Corporation, perfon or perfons, by taking of him or them a certain fum annually, as may be mutually agreed on, in lieu of the toll aforefaid.

SECT. 4. *And be it further enacted*, That nothing in this Act fhall extend to entitle the faid Proprietors to demand or receive

'Toll' eftablifhed.

A ftatement of the coft of the Bridge and of the receipts & difburfements to be exhibited.

receive toll of any person who shall be passing with his horse or carriage, to or from public worship on the Lord's day, or with his horse, team or cattle to or from his common labour on his farm, or to or from any grist mill, or on the common and ordinary business of his family concerns; or from any person or persons passing on military duty, or in going to or returning from schools or town meetings.

*Exemptions
from toll.*

SECT. 5. *And be it further enacted,* That if the said George Ulmer, and his associates, shall neglect or refuse, for the space of four years, to build the said Bridge, then this Act shall be void and of no effect.

*The law void
if Bridge is not
built in 4 years.*

[This Act passed *June 24, 1802.*]

An ACT to establish the Kennebeck and Penobscot Turnpike Corporation.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Henry Knox, David Cobb, Jonathan H. Brown, John Lee, Caleb Brooks Hall, Daniel Buck, Josham Moulton, Asa Peabody, Stephen Peabody, Thomas S. Sparhawk, John Benson, Stephen Badger, Joseph Lee, James Ginn, Daniel Ginn, Joshua Ginn, Samuel Keyes, jun. Jonathan Buck, Benjamin Buck, and Samuel Lee, together with such others as may hereafter associate with them, and their successors, be, and they are hereby constituted a Corporation by the name of *The First Maine Turnpike Corporation*; and shall by that name sue and be sued, and shall have a common seal, and use and exercise all the powers and privileges which are hereinafter mentioned, for the purpose of laying out and making a turnpike road from *Harriman's Ferry*, in the town of *Prospect*, on *Penobscot River*, to the *Kennebeck Bridge*, in *Augusta*, and for making and keeping the same in repair; which road shall not be less than four rods wide, and the path to be travelled in not less than twenty-two feet wide, in any place; and that when the said turnpike road shall be sufficiently made and approved of by a Committee appointed by the Court of General Sessions of the Peace for each of the counties of *Kennebeck* and *Hancock* for that purpose, (*Provided*, That no member of either of said Committees shall have any share or interest in the said turnpike, and shall judge only of the portion of said turnpike in the counties in which they reside,) then the said Turnpike Corporation shall be authorized to erect turnpike gates on the said road, at such places as the said Committee of the said Court of Sessions and the said Corporation shall judge necessary and convenient for collecting the toll; the said gates to be not less than

*Persons incor-
porated.*

*Route of the
road, dimen-
sions, &c.*

*Gates to be e-
rected at 10
miles distance.*

Toll established.

than ten miles distance from each other ; and shall be entitled to receive of each traveller or passenger, at each of the said gates, the following rates of toll, viz. For each coach, phaeton, chariot or other four wheeled carriage, drawn by two horses, *twenty-five cents*,—and if drawn by more than two horses, an additional sum of *four cents* for each horse ; for every cart or waggon, drawn by two horses or oxen, *ten cents*,—and if drawn by more than two oxen or horses, an additional sum of *three cents* for each ox or horse ; for every curricule, *fifteen cents* ; for every chaise, chair or other carriage, drawn by one horse, *twelve cents* ; for every man and horse, *six cents* ; for every sled or sleigh, drawn by two oxen or horses, *eight cents*,—and if drawn by more than two oxen or horses, an additional sum of *two cents* for each ox or horse ; for every sled or sleigh drawn by one horse, *four cents* ; for all horses, mules, oxen or neat cattle, led or driven, besides those in teams or carriages, *one cent* each ; for all sheep or swine, at the rate of *three cents* for one dozen : *Provided*, That said Corporation may, if they see cause, commute the rate of toll with any Corporation, person or persons, by taking of him or them a certain sum annually, to be mutually agreed on, in lieu of the toll aforesaid.

Corporation allowed to hold land ; and persons whose land may be taken are to be compensated.

SECT. 2. *And be it further enacted*, That the said Corporation may purchase and hold land over which they may make said road ; and the Justices of the Court of General Sessions of the Peace in the counties of *Kennebeck* and *Hancock* are hereby authorized, on application of the said Corporation, to lay out the said road, or any part thereof, within the said counties of *Kennebeck* and *Hancock*, as with the consent of the said Corporation they shall think proper : And the said Corporation shall be liable to pay all damages that shall arise to any person by taking his land for such road, where the same cannot be obtained by voluntary agreement, to be estimated by a Committee appointed by the Court of General Sessions of the Peace of the county wherein the said land lieth, saving to either party the right of trial by jury, according to the law which makes provision for the recovery of damages arising from the laying out of highways.

Penalty for delaying passengers, or exacting illegal toll.

SECT. 3. *And be it further enacted*, That if the said Corporation, or their toll-gatherers, or others in their employ, shall unreasonably delay or hinder any traveller or passenger at either of the said gates, or shall demand or receive more toll than is by this Act established, the Corporation shall forfeit and pay a sum not exceeding *ten dollars*, nor less than *two dollars*, to be recovered before any Justice of the Peace of the county where the offence shall be committed, by any person injured, delayed or defrauded, in a special action of the case ; the writ in which shall be served on the said Corporation by leaving

leaving a copy of the same with the Treasurer, or with some individual member living in the county where the action may be brought, or by reading the same to the said Treasurer or individual member, at least seven days before the trial: And the Treasurer of the said Corporation or individual member shall be allowed to defend the same suit in behalf of the said Corporation: And the said Corporation shall be liable to pay all damages that shall happen to any person from whom the toll is demandable, for any damage which shall arise from defect of bridges or want of repairs in said way; and shall also be liable to presentment by the Grand Jury for not keeping the same in good repair.

Corporation to pay for damages by defect of bridges.

SECT. 4. *And be it further enacted,* That if any person shall cut, break down, or otherwise injure or destroy either of the said turnpike gates, or shall dig up or carry away any earth from the said road, or in any manner damage the same, or shall forcibly pass or attempt to pass the said gates by force, without having first paid the legal toll at such gate, such person shall forfeit and pay a fine not exceeding *ten dollars*, nor less than *five dollars*, to be recovered by the Treasurer of the said Corporation to their use, in an action of trespass or on the case: And if any person with his team, cattle or horse, turn out of said road to pass any of the turnpike gates, and again enter on the said road, with intent to evade the toll due by virtue of this Act, such person shall forfeit and pay three times so much as the legal toll would have been, to be recovered by the Treasurer of the said Corporation to the use of the same in an action of debt or on the case: *Provided*, That nothing in this Act shall extend to entitle the said Corporation to demand and receive toll of any person who shall be passing with his horse or carriage to or from public worship, or with his horse, team or cattle to or from his common labour on his farm, or to or from any grist-mill, or on the common and ordinary business of family concerns; or from any person or persons passing on military duty.

Penalty for injuring the gates or road, or attempting forcibly to pass.

Exemptions from toll.

SECT. 5. *And be it further enacted,* That the shares in the same turnpike road shall be taken, deemed and considered to be personal estate, to all intents and purposes, and shall and may be transferable; and the mode of transferring said shares shall be by deed, acknowledged before any Justice of the Peace, and recorded by the Clerk of the said Corporation, in a book for that purpose to be provided and kept: And when any share shall be attached on *mesne process*, or taken in execution, an attested copy of such writ of attachment or execution shall, at the time of the attachment or taking in execution, be left with the Clerk of the Corporation, otherwise the attachment or taking in execution shall be void; and such shares may be sold on execution in the same manner as is or may by law be provided for making sale of personal

Shares deemed personal estate. Mode of transfer and attachment.

personal property on execution: And the officer making the sale, or the judgment creditor, leaving a copy of the execution and the officer's return on the same, with the Clerk of said Corporation, within fourteen days after such sale, and paying for the recording of the same, shall be deemed and considered as a sufficient transfer of such share or shares in the said turnpike road.

First meeting,
and rules to be
established.

SECT. 6. *And be it further enacted*, That the first meeting of the said Corporation shall be held at such time and place as shall be agreed on by the major part of the Proprietors, for the purpose of choosing a Clerk, who shall be sworn to the faithful discharge of the duties of his said office, and such other officers as may then and there be agreed upon by the said Corporation: And the said Corporation may at the same time establish such rules and regulations, as shall be judged necessary for the well ordering of its affairs; and also to agree upon a method for calling future meetings: *Provided however*, That such rules and regulations shall in no case be repugnant to the Constitution and laws of this Commonwealth.

A statement of
the cost of the
Bridge & annual
receipts & disbursements
to be made.

SECT. 7. *And be it further enacted*, That the said Corporation shall, within six months after the said road is completed, lodge in the Secretary's office an account of the expenses thereof; and that the said Corporation shall annually exhibit to the Governor and Council, a true account of the income or dividend arising from the said toll, with their necessary annual disbursements on said road; and that the books of the said Corporation shall at all times be subject to the inspection of a Committee to be appointed by the General Court, or to the inspection of the Governor and Council when called for.

Shares of delin-
quent Proprie-
tors to be sold.

SECT. 8. *And be it further enacted*, That whenever any Proprietor shall neglect or refuse to pay any tax or assessment, duly voted and agreed upon by the Corporation to their Treasurer, within sixty days after the time set for the payment thereof, the Treasurer of the said Corporation is hereby authorized to sell at public vendue, the share or shares of such delinquent Proprietor, one or more, as shall be sufficient to defray the said taxes, and necessary incidental charges, after duly notifying in the newspaper printed at *Hallowell*, and in that printed at *Castine*; and in case there shall be no newspaper printed in those places at the time, then in the newspaper at such place as shall be the nearest to the said turnpike road, the sum due on any such shares, and the time and place of sale, at least thirty days previous to the time of sale; and such sale shall be a sufficient transfer of the share or shares so sold, to the person purchasing the same; and on producing a certificate of such sale, from the Treasurer to the Clerk of the said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the

the Clerk entered on the books of the said Corporation, and such person shall be considered to all intents and purposes, the Proprietor thereof; and the overplus, if any there be, shall be paid on demand, by the Treasurer, to the person whose shares were then sold.

SECT. 9. *And be it further enacted,* That the said Corporation shall, at all places where the said toll shall be collected, erect and keep constantly exposed to view, a sign or board, with the rates of toll of all the tollable articles fairly and legibly written thereon, in large or capital characters.

Sign-board to be erected.

SECT. 10. *And be it further enacted,* That the General Court may dissolve the said Corporation, whenever it shall appear to their satisfaction, that the income arising from the said toll shall have fully compensated the said Corporation for all monies they may have expended in purchasing, repairing and taking care of the said road, together with an interest thereon, at the rate of *twelve per cent.* by the year, and thereupon the property of the said road shall be vested in this Commonwealth, and be at their disposal: *Provided,* That if the said Corporation shall neglect to complete the said turnpike road, for the space of seven years from the passing of this Act, the same shall be void and of no effect.

Corporation may be dissolved when indemnified, with interest, &c.

[This Act passed *June 24, 1802.*]

An ACT in addition to an Act, entitled, "An Act to establish the *Fourteenth Massachusetts Turnpike Corporation.*"

March 1802. 11.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That when the bridges across *Deerfield River*, which are mentioned in the Act aforesaid, shall be built and approved by the Committee, provided by said Act to approve the road therein mentioned, then the said Turnpike Corporation may erect a gate at each of said bridges, for collecting toll, and shall be entitled to receive of each traveller or passenger, at each of said gates, the following rates of toll, viz. For each coach, phaeton or chariot, or other four wheeled carriage drawn by two horses, *sixteen cents*, and if drawn by more than two horses, an additional sum of *three cents* for each horse; for every cart or waggon, drawn by two horses or oxen, *eight cents*, and if drawn by more than two horses or oxen, an additional sum of *two cents* for each ox or horse; for every curriole, *ten cents*; for every chaise, chair or other carriage drawn by one horse, *eight cents*; for every man and horse, *three cents*; for every sled or sleigh, drawn by two horses or oxen,

Toll established at the Bridges.

sic

six cents, and if drawn by more than two oxen or horses, an additional sum of *two cents* for each horse or ox; for every sled or sleigh drawn by one horse, *five cents*; for each foot passenger, *one cent*; for all horses, mules, oxen or neat cattle, led or driven, besides those in teams and carriages, *one cent* each; and for all sheep or swine, at the rate of *three cents* for one dozen.

Provision re-
speeling ex-
emptions.

SECT. 2. *Be it further enacted*, That the exemptions provided by the fourth section of the Act aforesaid, shall not extend to exempt any person from the payment of toll at the gates which may be erected at the bridges aforesaid.

New direction
respecting a
part of the road.

SECT. 3. *Be it further enacted*, That so much of the first section of the Act aforesaid, as requires that a part of said road shall be laid out and made in a direct line from *Green River*, so called, to the south side of the dwelling-house of *Solomon Smead*, Esq. be, and hereby is repealed; and that part of the road aforesaid shall be laid out and made so as to pass by the most convenient route from *Green River* aforesaid, between the barn and the aforesaid dwelling-house of *Solomon Smead*, Esq.

[This Act passed June 24, 1802.]

Nov. 17.

An ACT in addition to the Act, passed in the Year of our Lord One thousand seven hundred and ninety-two, entitled, "An Act to establish a Corporation by the Name of *The Trustees of the Marblehead Academy*."

20 members al-
lowed.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Corporation called *The Trustees of the Marblehead Academy* may consist of twenty members, exclusive of the Preceptor of the Academy; any thing in the Act to establish that Corporation notwithstanding: And the said Trustees, and their successors, from time to time, as they shall see cause, in any meeting duly convened for the purpose, may elect other Trustees, not exceeding that number in the whole.

Members may
be dismissed.

SECT. 2. *And be it further enacted*, That the said Trustees, and their successors, in any meeting duly convened for the purpose, may dismiss from their Corporation any member who, by a change of residence or otherwise, shall become, in the opinion of the majority of the Trustees for the time being, disqualified for the trust, and shall thereupon elect in his place another Trustee.

SECT. 3. *And be it further enacted*, That the proceedings of the Trustees of the *Marblehead Academy*, in the election of the Rev. *James Bowers*, Rev. *Samuel Dana*, Doctor *John Drury*,

Drury, Captain Joseph Wilson, Captain Robert Hooper, jun. and Captain William Hooper, to be Trustees and members of that Corporation, shall be, and are hereby confirmed and rendered valid; any thing which may be supposed to the contrary hereof in the Act aforesaid notwithstanding. The election of certain Trustees confirmed.

[This Act passed January 31, 1803.]

An ACT to set off a certain Parcel of Land from the Town of *Pepperell*, in the County of *Middlesex*, and to annex the same to the Town of *Groton*, in the same County.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That a certain tract of land, bounded, beginning at the end of a wall by the road leading by Zachariah Fitch's, in said Groton; thence running easterly, by land of Jonas Fitch, to the Nashua River, so called; thence up said river to said road, near the bridge over the same river; thence bounding by the same road, to the bounds first mentioned, containing four acres and twenty rods, be, and hereby is set off from said town of Pepperell and annexed to said town of Groton forever.

[This Act passed February 3, 1803.]

An ACT to incorporate the Owners of certain Lands in the Town of *Longmeadow*, in the County of *Hampshire*, for the Purpose of managing the same as a Common and General Field.

SECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all that tract of land lying in the town of Longmeadow, included within the following bounds, be, and hereby is made a common and general field, viz. Beginning on Connecticut River, near the north end of said town, at the mouth of the brook called Cooley's Brook; from thence running eastwardly on said brook to the west end of the enclosures called The Ponds; thence southwardly, in the line of the fence on the west end of those enclosures called The Ponds, Muxmeadows, and Necessities, to the foot of the hill on the south end of the general field; thence westwardly, by the foot of said hill, to Connecticut River; and the Proprietors of the said lands, lying within the said bounds, their heirs and assigns, be, and they are hereby incorporated, and invested with all the powers and privileges*

Boundaries of land incorporated.

ileges with which the Proprietors of common and general fields are invested.

Former law re-
pealed.

SECT. 2. *And be it further enacted*, That an Act, passed the twenty-third day of *February*, one thousand seven hundred and ninety-eight, entitled, "An Act for incorporating the owners of certain lands in *Longmeadow*, in the county of *Hampshire*, for the purpose of managing the same as a Common and General Field," be, and the same is hereby repealed.

[This Act passed *February 3, 1803.*]

An ACT in addition to an Act, entitled, "An Act to incorporate a Number of Inhabitants of the Town of *Sandisfield*, in the County of *Berkshire*, into an Episcopal Society."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That any person belonging to the towns of *New-Marlborough* and *Tyringham*, and the districts of *Southfield* and *Bethlehem*, and the town of *London*, in the county of *Berkshire*, being of the Episcopal denomination, and who shall unite in religious worship with said Society, and shall leave a certificate, signed by the Minister or Clerk thereof, with the Clerk of the religious Society to which he belongs, fourteen days previous to the annual meeting of said religious Society, to be holden in the months of *March* or *April*, that he or she has actually become a member of and united with said Episcopal Society, such person shall, from and after giving such certificate, be considered, together with his or her polls and estate, as belonging to said Episcopal Society: *Provided however*, That such person shall pay his or her proportion of all monies that shall have been previously voted in the Society to which he or she belongs.

[This Act passed *February 3, 1803.*]

An ACT to incorporate *Oliver Wendell*, and others, together with the Overseers of the Poor of the Town of *Boston* for the Time being, by the Name and Title of *The Trustees of John Boylston's Charitable Donations, for the Benefit and Support of aged poor Persons, and of Orphans and deserted Children.*

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Oliver Wendell, William Cooper, Ebenezer Storer, and William Smith*, all of *Boston*, and *John Pitts*, of *Tyngsborough*

Tyngsborough, in the county of *Middlesex*, Esquires, and the survivors and survivor of them, together with the Overseers of the Poor of the town of *Boston* for the time being, and their successors; and after the decease of the said *Oliver Wendell*, *William Cooper*, *Ebenezer Storer*, *William Smith*, and *John Pitts*, the said Overseers of the Poor of the town of *Boston* for the time being, and their successors forever, be, and they hereby are incorporated into a Body Politic, by the name and title of *The Trustees of John Boylston's Charitable Donations, for the Benefit and Support of aged poor Persons, and of Orphans and deserted Children*, and by that name and title shall have perpetual succession.

SECT. 2. *And be it further enacted*, That all the bequests, devises and donations made and granted by *John Boylston*, late of *Bath*, in the kingdom of *Great-Britain*, deceased, for the purposes above-mentioned, be, and they hereby are vested in the said Corporation, to be held and disposed of by them conformably to the directions of the said will: And the said Corporation shall insert among their records a copy of this Act, and also of all the clauses of the said last will and testament which have relation to the said two several charitable donations, for the benefit of aged poor persons, and for the support of orphans and deserted children; and in the management and disposal of the funds granted in said will, the said Corporation shall conform to, and be governed by the directions therein contained.

This Act and the clauses of the will to be recorded.

SECT. 3. *And be it further enacted*, That the said Corporation shall have a perpetual succession, by the name and title aforesaid, to sue or be impleaded; to purchase and hold lands or other real estate, not exceeding the value of *three thousand dollars* by the year; to hold personal estate not exceeding the value of *sixty thousand dollars*; and to manage, lease, bargain and sell, or otherwise dispose of all or any part thereof, subject to the directions of the said will; and to do all acts as natural persons may do, as the said Corporation from time to time shall judge best, to carry into effect the charitable intentions of the said will: And the real or personal estate which the said Corporation are hereby empowered to hold, shall not be considered as part of that which the Overseers of the Poor of the town of *Boston* are already empowered by their former Act of incorporation to hold, but as altogether distinct and separate from the same.

Amount of real and personal estate which may be held.

SECT. 4. *Be it further enacted*, That the said Corporation shall have a common seal, with power to break and alter the same; and said Corporation is hereby authorized to make by-laws, and private statutes and ordinances, not repugnant to the laws of the land, for the better government of said Corporation and its finances; to choose a Treasurer, Clerk and other subordinate

By-laws may be made and officers chosen.

ordinate officers, as from time to time shall be found necessary, and all or any of them again at pleasure to displace.

SECT. 5. *And be it further enacted*, That all instruments which said Corporation shall lawfully make by the name aforesaid, and sealed with their common seal, and all acts done, or matters passed upon by the consent of a major part of the members of said Corporation, shall bind the said Corporation, and be valid in law.

The doings to
be valid in law.

[This Act passed February 3, 1803.]

An ACT to authorize the Justices of the Court of Sessions for the County of *Suffolk*, to purchase a Lot of Land whereon to build a new Court-House.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Justices of the Court of General Sessions of the Peace for the county of *Suffolk* be, and they are hereby authorized and empowered to purchase, or cause to be purchased, a suitable spot of land, contiguous to the land now belonging to the said county in *Boston*, on which the county buildings now stand, convenient to erect a new Court-House thereon.

Land to be pur-
chased.

SECT. 2. *And be it further enacted*, That *Shearjashub Bourn*, of *William Donnison*, *William Sherburne*, and *Charles Bulfinch*, Esqrs. be, and hereby are appointed agents, with full powers to make the said purchase in the name and behalf of the said county of *Suffolk*.

Names
of agents.

[This Act passed February 5, 1803.]

An ACT to direct the Assessment and Collection of Taxes on the Pews in the Meeting-House of the First Parish in the Town of *Biddeford*, for the Repairs of said House, and also for making Sale of the vacant Spaces for Pews in said House for the same Purpose.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That it shall and may be lawful for the assessors of the first parish in *Biddeford*, for the time being, who shall be duly sworn to the faithful discharge of their trust, and they are hereby empowered to assess the several pews which are now, or which may be hereafter added in the meeting-house of the said first parish, and their several parts and proportions, according to the just value the said assessors shall

Pews may be
taxed to defray
the expenses of
repairing the
meeting-house.

set

set the said pews at, of all such sums of money as the said parish shall vote to raise and appropriate for the payment of the labour and materials that have been expended in repairing the said house, since the first day of *January*, in the year of our Lord eighteen hundred; and also for such further sums as the said parish shall vote necessary to complete the repairs already commenced, after having expended what money they shall have raised from the sales of the spaces for the new ones aforesaid: And in case at any future period the said house shall want repairs, the assessors aforesaid may assess all the pews in manner aforesaid, such sums of money for the repairs thereof, as the said parish shall vote to be raised for that purpose; and the assessments thus made shall be committed to the Collector of the parish, with directions to collect and pay the same to the Treasurer of the parish in ninety days after said assessment shall be committed to him.

SECT. 2. *And be it further enacted*, That it shall and may be lawful for the freeholders of the said parish, at any parish meeting duly warned for the purpose, to sell at public vendue, to the highest bidder, any or all the vacant spaces for pews in the said meeting-house; and the monies so raised upon the sales thereof, shall be paid into the treasury of said parish, for the purpose of repairing the said house, and incidental charges of sales.

The vacant spaces for pews to be sold.

SECT. 3. *And be it further enacted*, That the parish Treasurer shall keep an account, separate and distinct from other parish money, of the sums thus received, and the manner in which they are expended; and shall have the same power to enforce the payment of the sums from the said Collector as is by law provided for collecting other parish taxes.

A distinct account to be kept.

SECT. 4. *And be it further enacted*, That if the owner or proprietor of a pew shall refuse or neglect to pay the sum assessed thereon as aforesaid, for the space of thirty days after notice of the assessment shall have been posted up on the door of the said house, and at one other public place in each parish in the said town, it shall be lawful for the said Collector to sell said pew at public vendue, to the highest bidder, first giving fifteen days notice of the time and place of sale by posting up notifications thereof at the said meeting-house door, and at one other public place in each parish in the said town; and the overplus sum, besides the taxes and necessary charges of notifying and selling, he shall pay over to the former owner or proprietor, if known and residing in the said town, in ten days after the sale; but if the proprietor be unknown, or a non-resident of said town, he may, within ten days next after the sale, pay over the overplus to the parish Treasurer, for the use of the former proprietor of the pew.

Pews of delinquents to be sold.

SECT.

SECT. 5. *And be it further enacted,* That the mode of transferring pews sold by the Collector for the non-payment of taxes as aforesaid, shall be by deed, under hand and seal, of and acknowledged before a Justice of the Peace; and a record of the same deed, thus made in the records of the parish by the Clerk thereof, within six months after passing the same, or a copy thereof, certified by the Clerk of the said parish, shall be evidence of the transfer as well as of the original thus recorded: *Provided always,* That if the former proprietor of a pew thus sold or transferred, shall within one year from the time of sale at vendue as aforesaid, tender and pay to the purchaser, or to his assignee in case of assignment, the true sum said pew sold for, with an addition of *twelve per cent.* it shall be the duty of the purchaser or assignee to re-convey the same, and upon his refusing thus to do, said proprietor may have the like remedy for obtaining the title and possession of the same pew, as mortgagors of real estate now have in the Courts of this Commonwealth: and the mode of selling the vacant spaces for pews in the said meeting-house, shall be by vote by the parish, in any parish meeting duly warned for the purpose, and a record thereof, made by the Clerk, shall be full evidence of the sale: And it shall be the duty of the Clerk of the said parish, upon payment of *thirty-three cents*, to record at large in the said parish books, any deed of a pew in the said meeting-house, which may be brought to him for that purpose, and to note and certify thereon, as well as in the records, the time when the deed was received for that purpose.

[This Act passed *February 7, 1803.*]

An ACT to incorporate certain Persons as Trustees of a Fund for the Support of a Congregational Gospel Minister, in the South Parish in *Bridgewater*, in the County of *Plymouth*.

Preamble.

WHEREAS there are in the treasury of the South Parish in *Bridgewater*, monies and securities, amounting nearly to *one thousand dollars*, which the parish have appropriated as a fund for the support of a Congregational Gospel Minister in said parish, and have petitioned the Legislature for an Act to incorporate certain persons for the due management thereof:

Trustees.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *Elihalet Cary, Samuel Sharv, Joshua Alden, Thomas Washburn, and Jason Dyer*, be, and hereby are appointed Trustees to manage such funds as are, or shall be raised and appropriated to the use aforesaid, and for that purpose they and

and their successors are hereby incorporated into a Body Corporate and Politic forever, by the name of *The Trustees of the Funds for the Support of a Congregational Gospel Minister in the South Parish in Bridgewater*; shall have a common seal, subject to be altered at pleasure; may sue and be sued, and may prosecute and defend the same to final judgment and execution.

SECT. 2. *Be it further enacted*, That said Trustees be, and hereby are vested with full power to receive into their hands all monies and securities for money already raised, and all monies, subscriptions, donations and securities for real or personal estate, that may hereafter be given, raised or subscribed for the purpose aforesaid, and may sell and convey, by good and well authenticated deeds, lands and tenements, whereof the fee may vest in them by virtue of mortgage or execution.

SECT. 3. *Be it further enacted*, That the aforesaid fund shall be put to use or interest, until it shall accumulate, by the interest arising thereon, together with such donations as hereafter may be made, to the sum of *six thousand dollars*, and then the annual interest of said fund shall be applied to discharge the salary of the Congregational Gospel Minister settled in said parish: *Provided however*, That should said Trustees be possessed of a capital, the annual interest whereof shall be more than sufficient to discharge the salary aforesaid, the surplus sum may be applied to the payment of necessary parish charges, or for the support of schools, as the parish from time to time shall direct, or the same may be appropriated to augment said fund, within the limitation hereafter expressed.

SECT. 4. *Be it further enacted*, That said Trustees are hereby made capable of holding as aforesaid, real and personal estate, the annual income of which shall not exceed *six hundred dollars*; and no part of the capital of said fund shall ever be expended.

SECT. 5. *Be it further enacted*, That the Trustees aforesaid and their successors shall hold their offices until others shall be chosen in their stead, and they have declared their acceptance to the Clerk of said south parish; and said parish may (if they see cause) choose Trustees annually in the month of *March* or *April*; and may, at any legal meeting warned for that purpose, choose a Trustee or Trustees to supply any vacancy or vacancies that may happen.

SECT. 6. *Be it further enacted*, That the Trustees shall each year, in the month of *March* or *April*, at the annual meeting of said parish, exhibit a fair statement of their proceedings, and of the state of the funds under their management, and are hereby severally made amenable to said parish, and liable in law to answer to said parish, out of their own estate,

— to receive monies, securities, &c.

The fund to be put at use, and the interest to be appropriated to support the minister.

Real and personal estate may be held.

Annual statements to be made, &c.

estate, for any embezzlement, neglect or wilful mismanagement of said fund.

SECT. 7. *Be it further enacted*, That the number of Trustees may be augmented to seven, provided said parish shall choose that number, but shall never be less than five, a majority of the whole number chosen to form a quorum for transacting business.

SECT. 8. *Be it further enacted*, That the Trustees, for the time being, may elect a President, Clerk and Treasurer; the Clerk and Treasurer to be under oath faithfully to perform their duty; and the Treasurer shall receive into his hands the monies from said Trustees, and under their direction put the same to use or interest, with sufficient security for the same, having previously himself given bonds to said Trustees, with sufficient sureties to their acceptance, for the faithful performance of his duty.

[This Act passed February 7, 1803.]

An ACT in addition to an Act, entitled, "An Act for incorporating certain Persons for the Purpose of building a Bridge over *Neponset River*, and for supporting the same."

Preamble. **W**HEREAS the President and Directors of *Neponset Bridge*, have petitioned this Court, that the said Corporation might be authorized to erect a Bridge over *Neponset River*, at a place called *Horse-Hommock*, instead of from *Preston's Point*, in *Dorchester*, to *Billings's Rocks*, in *Quincy*, as authorized by said Act; and it appearing for the public interest that such alteration in the situation of said Bridge should be allowed:

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Proprietors of *Neponset Bridge* be, and they hereby are authorized to build a Bridge across the *Neponset*, at said place, called *Horse-Hommock*, and to lay out, and make a road from the meeting-house in *Quincy*, leading to said Bridge, and from said Bridge to *Dorchester Lower Road*, in the direction mentioned in the said petition of the President and Directors of said Bridge, or in such other direction as the Justices of the General Sessions of the Peace, for the county of *Norfolk*, may, upon application from said Proprietors authorize; and the inhabitants of the said towns of *Dorchester* and *Quincy* shall pass and repass such part of said road as lies on their respective sides of said river, free of all burden and expense; and the said Corporation shall keep the said road, on the *Dorchester* side,

side, in repair, during the continuance of this Act of incorporation; and the said town of *Quincy* and the said Corporation shall keep the said road on the *Quincy* side of said river in repair, in such proportions as they shall agree, or as in case of dispute, the said Justices of the General Sessions of the Peace, in the county of *Norfolk*, shall, after hearing the parties, direct.

Repair of road
on each side of
the Bridge.

SECT. 2. *Be it further enacted*, That the said Corporation may purchase and hold any land over which they may make said road, and as much land as may be necessary for the use of said bridge, not exceeding *four thousand dollars* in value; and that the said Proprietors shall be holden to pay all damages which shall arise to any person, by taking his land for said road and use, where it cannot be obtained by voluntary agreement, to be estimated by a Committee to be appointed by the said Court of General Sessions of the Peace; saving to either party the right of trial by Jury, according to the law which makes provision for the recovery of damages happening by laying out highways.

Allowed to
hold land, and
liable for dam-
ages for taking
land.

SECT. 3. *Be it further enacted*, That the said road shall not be more than four, nor less than three rods wide, on the upland; and five rods wide, at least, and not more than six rods, (including the canals,) on the marsh; and that the said Bridge shall be well built, of like width and materials, and in a like manner, with like draw and piers, and be subject to the same limitations, provisions and restrictions as are provided in and by the fifth section of said Act, for building the Bridge therein authorized.

Width of road.

SECT. 4. *Be it further enacted*, That for the purpose of reimbursing the said Proprietors the money by them expended, or to be expended, in building and supporting said Bridge, and laying out and making said road, a toll be, and hereby is granted for the sole benefit of said Proprietors, according to the rates following: For each foot passenger, *one cent*, excepting all persons who shall be on military duty, and all such persons, with their military baggage, shall pass and repass said Bridge free of toll; for each person and horse, *five cents*; for each horse and cart, *eight cents*; for each team, drawn by more than one beast, *ten cents*; for each horse and chaise, fulkey or sleigh, *ten cents*; for each coach, chariot, phaeton or curricule, *twenty cents*; for each man and wheelbarrow, *three cents*; for each horse and neat cattle, exclusive of those in teams or rode on, *two cents*; for sheep per dozen, *two cents*; and for swine per dozen, *two cents*; the said toll to commence at the time and to continue during the term specified in said Act of incorporation: And the said Proprietors shall be sub-

Toll establish-
ed.

ject

ject to all and every limitation, restriction, penalty and duty provided and enacted in and by said Act.

SECT. 5. *Be it further enacted*, That the said Act of incorporation, so far as it relates to the building of a Bridge from *Preston's Point* in *Dorchester*, to *Billings's Rocks* in *Quincy*, and laying out the road therein mentioned, and to the toll thereby granted, be, and hereby is repealed.

Part of a former Act repealed.

Bridge to be built within 3 years.

SECT. 6. *And be it further enacted*, That if the said Proprietors shall neglect or refuse, for the space of three years after the passing of this Act, to build the Bridge herein authorized, then this Act, and also the said Act of incorporation, shall be wholly void and of no effect.

[This Act passed February 7, 1803.]

Additional Act,
June 23, 1804.

An ACT to authorize the Selectmen of the Town of *Portland* to appoint an additional Number of Engine-Men.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Selectmen of the town of *Portland* be, and they are hereby authorized and empowered (when they shall judge it expedient) to nominate and appoint, as soon as may be after the passing of this Act, and ever after in the month of *January* annually an additional number, not exceeding eighteen men, to a new fire engine called *The Cataract*, lately procured by the said town, in addition to the number of men now authorized by law; and such an additional number, so appointed, shall be exempted from military and other duties, in the same manner that other engine-men are by law exempted.

[This Act passed February 7, 1803.]

March 9, 1793.

An ACT in addition to an Act, entitled, "An Act empowering *Charles Barrett*, Esq. to erect Locks and open a navigable Canal, from the upper Part of *Barrett's Town*, so called, in the County of *Lincoln*, with the Sea, through *St. George's River*, so called," passed the ninth Day of *March*, Seventeen hundred and ninety-three.

WHEREAS it has been found that the toll authorized by law, at the Locks and Canals at the Great Falls of *St. George's River*, is insufficient to keep the same in repair : Therefore,

Be

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That it shall be lawful for the Proprietors of the said Locks and Canals to demand and receive at the rate of fifty cents for each thousand feet of boards, and for each ton of timber and other lumber in proportion, which shall be passed through said Locks and Canal, in lieu of the toll heretofore established: Provided however, the said Proprietors shall give prompt attendance, and keep the said Locks and Canal in good repair, so that there be no unreasonable detention.

[This Act passed February 7, 1803.]

An ACT in addition to an Act, entitled, "An Act to regulate the catching of Salmon, Shad and Alewives in Merrimack River, and the Streams emptying into the same."

March 4, 1790.

WHEREAS it is found by experience that catching of fish at or near the mouth of *Johnston's Brook*, so called, emptying into the *Merrimack River*, within the town of *Bradford*, in the county of *Essex*, greatly impede and obstruct the fish from entering and passing up the said stream:

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this Act, no person or persons shall be allowed to drag any seine, or set any net, pot, or other machine, for the purpose of catching salmon, shad or alewives, or any otherways obstruct said fish in their passage within thirty rods below or twenty rods above the mouth of said stream, in Merrimack River, on penalty of thirteen dollars and thirty-three cents for each offence, and the seine, net, pot, or other machine so used to be forfeited; and the fine or fines aforesaid shall be recovered and applied in the same manner as the fines for breaches of the Act to which this is an addition.

[This Act passed February 7, 1803.]

An ACT to establish a Corporation by the Name of *The Belchertown and Greenwich Turnpike Corporation.* Additional Act, March 14, 1805.

WHEREAS the highway leading from the *Bay Road*, so called, in *Belchertown*, commences a little south of *Thomas Asa Gates'* dwelling-house, and running to the south parish meeting-house in *Greenwich*, is rough, and the expense of making and maintaining the said road, so that it will be convenient

venient for horses and carriages, is much greater than can be reasonably required of the inhabitants of said *Belchertown* and *Greenwich* :

SECT. 1. *Be it enabled by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *Henry Dwight, Silvanus Howe, William Stone, Benjamin Harrod, John Gilbert, Silvanus Howe, jun. Samuel Smith, Kingsley Underwood, Ebenezer Winslow, Eli Snow, Peleg Canedy, Roger West, Asaph Newcomb, Israel Trask, Timothy Hinds, Isaac Boyden, Reuben Cooley, Robert Field, Benjamin Hooker, Luke Stone, Joseph Hooker, jun. Reuben Colton, Joshua N. Upham, Rufus Powers, Isaac Stevenson, Silas Newcomb, Bradford Newcomb, jun. and Nathan Cummings,* together with such others as may hereafter associate with them, and their successors, be, and they are hereby constituted a Corporation by the name of *The Belchertown and Greenwich Turnpike Corporation*, for the purpose of laying out and making a turnpike road, commencing at said *Bay Road*, south of *Thomas Asa Gates'* dwelling-house, running eastwardly to the dwelling-house of *Henry Dwight, Esq.*; from thence to the south parish meeting-house in *Greenwich*, in as direct a line as the nature of the ground will admit, and for keeping the same in repair; which road or turnpike shall not be less than three rods wide, and the path for travelling not less than eighteen feet wide in any place: And when said turnpike road shall be sufficiently made, and so approved by a Committee appointed by the Court of General Sessions of the Peace for the county of *Hampshire*, then the said Corporation may and shall be authorized to erect one turnpike gate on the said road, in such manner and place as the said Corporation shall judge necessary and convenient for collecting the toll: And said gate shall be placed between said *Dwight's* and said *Gates'*, and shall be entitled to receive of each traveller or passenger, at said gate, the following rates of toll, viz. For each coach, chariot, phaeton, or other four wheel carriage, drawn by two horses, *sixteen and an half cents*, and if drawn by more than two horses, an additional sum of *three cents* for each horse; for every cart or waggon, drawn by two oxen or horses, *eight cents*, and if drawn by more than two oxen or horses, an additional sum of *two cents* for each horse or ox; for every curricule, *eleven cents*; for every chaise, chair or other carriage, drawn by one horse, *eight and an half cents*; for every man and horse, *three cents*; for every sled or sleigh, drawn by two oxen or horses, *six cents*, and if drawn by more than two oxen or horses, an additional sum of *two cents* for each horse or ox; for every sleigh or sled, drawn by one horse, *four cents*; for all horses, mules, oxen or neat cattle, led or driven, besides those in teams and carriages, *two thirds of a cent* each: *Provided however,* That said Corporation may, if they

they see fit, commute the rate of toll with any person or persons, by taking of him or them a certain sum annually, to be mutually agreed on in lieu of the toll aforesaid.

SECT. 2. *And be it further enacted*, That the said Corporation may purchase and hold land over which they may make said road; and the Justices of the Court of General Sessions of the Peace for the county of *Hampshire*, are hereby authorized, on application of the said Corporation, to lay out such road, or any part thereof, as with the consent of the said Corporation they shall think proper: And the said Corporation shall be liable to pay all damages which may arise to any person by taking his land for such road, where the same cannot be obtained by mutual agreement, to be estimated by a Committee appointed by the said Court of General Sessions of the Peace, saving to either party the right of having his damages estimated by a Jury, according to the law which makes provision for the recovery of damages arising from the laying out of highways.

Corporation allowed to hold land.

Liable for damages for land taken.

SECT. 3. *And be it further enacted*, That if the said Corporation, or their toll-gatherer, or others by them employed, shall unreasonably delay or hinder any traveller or passenger at the toll gate, or shall demand or receive more toll than is by this Act established, the Corporation shall forfeit and pay a sum not exceeding *ten dollars* nor less than *two dollars*, to be recovered before any Justice of the Peace of the said county, by any person injured, delayed or defrauded, in a special action of the case; the writ in which shall be served on said Corporation, by leaving a copy of the same with the Treasurer or Clerk of said Corporation, at least seven days before the trial; and the Treasurer of the said Corporation, or Clerk or any individual member, shall be allowed to defend the same suit in behalf of the said Corporation: And the said Corporation shall be liable to pay all damages that shall happen to any person from whom the toll is demandable, for any damage which shall arise from defect of bridges, or want of repairs on said ways, and shall also be liable to presentment by the Grand Jury, for not keeping the same in good repair.

Penalty for unreasonably delaying passengers.

Corporation liable for damages by defects of road.

SECT. 4. *And be it further enacted*, That if any person shall cut, or break down, or otherwise destroy the said gate, or shall dig up or carry away any earth from said road, or in any manner damage the same, or shall forcibly pass, or attempt to pass by force said gate, without having first paid the legal toll, such person shall forfeit and pay a fine not exceeding *fifty dollars* nor less than *fifteen dollars*, to be recovered by the Treasurer of the said Corporation to their use, in an action of trespass or of the case: And if any person with a team, cattle, or horses, turn out of said road to pass the turnpike gate aforesaid, and again enter on said road, with an intent to avoid the toll established by

Penalty for injuring the road, passing by force, &c.

Proviso.

by this Act, such person shall forfeit and pay *one dollar*, to be recovered by the Treasurer aforesaid to the use aforesaid, by an action of debt: *Provided*, That nothing in this Act shall extend to entitle the said Corporation to demand or receive toll of any person who shall be passing with his horse or carriage to or from public worship, or with his horse, team or cattle, to or from his common labour, or to or from any mill, or on the common or ordinary business of family concerns, within the said town; or from any person or persons passing on military duty.

Shares considered personal estate.

SECT. 5. *Be it further enacted*, That the shares in said road shall be taken and considered as personal estate to all intents; and shall be transferable by deed, duly acknowledged before any Justice of the Peace, and recorded by the Clerk of said Corporation, in a book to be kept for that purpose: And when any such share shall be attached on *mesne process*, an attested copy of such process shall be left at the time of the attachment with the Clerk of said Corporation, otherwise the same shall be void; and such shares may be taken and sold by execution in the same manner as other personal estate; and the officer or judgment creditor leaving a copy of such execution, with the return thereon, with such Clerk, within fourteen days after such sale, and paying for the recording thereof, shall be deemed a sufficient transfer of the same.

First meeting of the Corporation.

SECT. 6. *Be it further enacted*, That the first meeting of said Corporation shall be holden at the house of *Robert Field*, Esq. in said *Greenwich*, on the fourteenth day of *March*, at ten of the clock in the forenoon, for the purpose of choosing all such officers, and establishing such rules as said Corporation may think proper.

Amount of expense, &c. to be exhibited.

SECT. 7. *Be it further enacted*, That the said Corporation shall, within six months after the said road is completed, lodge in the Secretary's office an account of the expenses thereof; and that the said Corporation shall annually exhibit to the Governor and Council a true account of the income or dividend arising from said toll, with the necessary annual disbursements on said road; and that the books of said Corporation shall at all times be subject to the inspection of a Committee to be appointed by the General Court, or to the inspection of the Governor and Council when called for.

Shares of delinquents to be sold.

SECT. 8. *Be it further enacted*, That whenever any Proprietor shall neglect or refuse to pay any tax or assessment duly voted and agreed upon by the said Corporation, to their Treasurer, within sixty days after the time set for the payment thereof, the Treasurer of said Corporation is hereby authorized to sell at public vendue, the share or shares of such delinquent Proprietor, one or more, as shall be sufficient to defray said taxes

taxes and necessary incidental charges, after duly notifying in the newspapers printed at *Northampton*, the sum due on any such shares, and the time and place of sale, at least thirty days previous to the time of sale; and such sale shall be a sufficient transfer of such share or shares so sold, to the person or persons purchasing the same; and on producing a certificate from the Treasurer to the Clerk of said Corporation, the name of such purchaser, with the number of the shares so sold, shall be by the Clerk entered on the books of said Corporation; and such purchaser shall be considered to all intents the Proprietor thereof, and the overplus arising from such sale, if any there be, shall be paid on demand by the Treasurer, to the person whose shares were so sold.

SECT. 9. *And be it further enacted*, That the said Corporation shall, at the place where said toll is to be collected, erect and keep constantly exposed to view, a sign or board, with the rates of toll of all the tollable articles fairly written thereon in legible characters. Sign-board to be erected.

SECT. 10. *And be it further enacted*, That said Corporation may sue and be sued, by their corporate name, and may have a common seal, and enjoy all the powers and privileges, and be subject to all the duties incident to such a Corporation: And the Legislature may repeal said Corporation, whenever it shall appear to their satisfaction, that the income arising from said toll shall have fully compensated them for all monies they may have expended in purchasing, making, repairing and taking care of said road, together with an interest thereon at the rate of *twelve per centum* per annum, computing from the time of the expenditure of the same; and thereupon the interest and property in said road shall vest in this Commonwealth: *Provided nevertheless*, That if the said Corporation shall neglect to complete said turnpike road for the space of four years from the passing this Act, the same shall be void and of no effect. This law may be repealed.

[This Act passed February 7, 1803.]

An ACT to divide the Town of *Cusbing*, in the County of *Lincoln*, and to incorporate the easterly Part thereof into a separate Town, by the Name of *St. George*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That all that part of the town of *Cusbing* which lies to the eastward of a line drawn from the south-west corner of *Thomaston*, and passing south-westerly through the middle of *St. George's River*, by the westerly channel to the sea, be, and hereby Boundaries.

hereby is incorporated into a separate town by the name of *St. George*: And the inhabitants of said town are hereby vested with all the powers, privileges, rights and immunities with which other towns are invested by the Constitution and laws of this Commonwealth.

Arrears of tax-
es. SECT. 2. *And be it further enacted*, That the said town of *St. George* shall pay all arrears of taxes which have been assessed upon them, together with their proportion of all debts owed by the said town of *Cushing* prior to the date of this Act.

Division of
property. SECT. 3. *And be it further enacted*, That all monies unappropriated, together with all other property (excepting the meeting-house lot) now belonging to the said town of *Cushing*, shall be equally divided between the said towns of *Cushing* and *St. George*, and that the inhabitants of the said town of *St. George* shall be entitled to a road four rods wide on said lot, extending from the shore to the place where the town road in the town of *Cushing* crosses the said lot, together with the use of the burying ground on said lot in common with the inhabitants of the town of *Cushing*.

Levying of tax-
es. SECT. 4. *And be it further enacted*, That of all future taxes which may be levied on the two towns aforesaid, previous to a new valuation, the town of *Cushing* shall pay *fifty-six cents*, and the town of *St. George* shall pay *sixty-five cents* upon the *thousand*, as their respective proportions.

First meeting. SECT. 5. *And be it further enacted*, That *James Malcom*, Esq. one of the Justices of the Peace for the county of *Lincoln*, be, and he is hereby authorized, upon application therefor, to issue a warrant directed to some suitable person, an inhabitant of the said town of *St. George*, requiring him to notify and warn the inhabitants thereof, qualified by law to vote in town affairs, to assemble at such convenient time and place as shall be expressed in the said warrant, to choose such officers as towns are by law empowered to choose in the month of *March* or *April* annually.

[This Act passed February 7, 1803.]

An ACT to regulate the taking of Alewives in the several Streams leading from *Ipswich River* to *Prichard's Pond*, in *Topsfield*.

Privilege of
the fishery may
be disposed of. SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That it shall and may be lawful for the town of *Topsfield*, annually, at any legal meeting of the inhabitants of the said town, to sell or otherwise dispose of the privilege of taking alewives in the several streams leading from *Ipswich River* to *Prichard's*

Prichard's Pond, in said *Topsfield*, at such times, not exceeding three days in a week, and at such places, and under such regulations as the said town shall direct; and the emolument arising from said privilege shall be appropriated by the said town to such purposes and uses as the inhabitants thereof shall in town-meeting from time to time determine.

SECT. 2. *And be it further enacted*, That if the purchaser or purchasers, manager or managers, or those employed by them, shall presume to take any of the said fish, at any other time or place in the said town than shall be by said town determined; and if any other person or persons whatever, except the purchaser or purchasers, manager or managers of the said privileges, or those employed by them, in either of the streams aforesaid, shall take any alewives, said person or persons so offending shall for each offence forfeit and pay a sum not exceeding *thirteen dollars* nor less than *one dollar*, at the discretion of the Justice before whom the same shall be tried.

Penalty for taking fish at improper times and places.

SECT. 3. *And be it further enacted*, That the said town of *Topsfield* shall, at their annual meeting in *March* or *April*, choose by ballot a Committee, not exceeding seven nor less than three freeholders of said town, who shall be sworn or affirm to the faithful discharge of the duties enjoined upon them by this Act; and it shall be the duty of the said Committee to remove, or cause to be removed, all obstructions and impediments out of the natural course of said streams or other passage-ways, as they, or the major part of them, shall judge obstruct and impede the passage of said fish, during the time of their passing up and down in each year; and the said Committee, or the major part of them, are empowered to open the natural course of the said streams, by making them wider and deeper, as well as other passage-ways which they may judge necessary for the passage of the said fish: And the said Committee, or any two of them, paying a reasonable compensation therefor if demanded, shall have authority, in discharging the duty enjoined upon them by this Act, to go on the lands and meadows of any person through which said streams run, or into any building, mill, or other water-works on said stream, without being considered as trespassers; and any person who shall molest or hinder said Committee, or either of them, in the execution of the business of his or their office, or shall obstruct any of the aforesaid streams or passage-ways, otherwise than may be allowed by the said Committee, or the major part of them, he or they so offending shall forfeit and pay, for every such offence a sum not exceeding *ten dollars* nor less than *one dollar*, at the discretion of the Justice before whom the same shall be tried: *Provided nevertheless*, That nothing in this Act shall be considered as authorizing the said Committee to injure the Proprietor of any mill, or other

Fish Committee to be chosen.

— their duty.

Penalty for molesting any of the Committee.

other wafer-works, further than is necessary in order to give the said fish a good and sufficient passage-way up the said stream.

SECT. 4. *And be it further enacted*, That if the purchaser or purchasers, manager or managers of the said privilege, shall, when in his or their power, neglect or refuse to supply any person or persons with said fish, when green, in any quantity not exceeding one hundred to any one person who may apply therefor, at such rates as shall be determined by the said town, not exceeding *twenty-five cents* for one hundred of said fish, he or they so offending shall forfeit and pay the sum of *one dollar*; and if any person or persons shall ask, demand and receive more than *twenty-five cents* for one hundred of said fish, and in that proportion for a less number, at the place of taking said fish, he or they so offending shall for each offence forfeit and pay the sum of *one dollar*.

Price of the fish to be established.

SECT. 5. *And be it further enacted*, That it shall be the duty of the said Committee to prosecute all breaches of this Act, and for any two of them to seize and detain in their custody, any net which may be found in the hands of any person using the same contrary to the true intent and meaning of this Act, until the person so offending makes satisfaction for his offence, or is legally acquitted therefrom; and also to seize to the use of the said town, all such fish as they shall suspect to have been taken contrary to the provisions of this Act, unless the person or persons in possession thereof can give satisfactory evidence to such Committee that said fish were lawfully taken.

The Committee to prosecute for breaches of this Act.

SECT. 6. *And be it further enacted*, That all penalties incurred by any breach of this Act, shall be recovered by an action on the case, before any Justice of the Peace within and for the county of *Essex*, allowing an appeal to the Court of Common Pleas for the same county: And all sums of money recovered as forfeited by this Act, shall be for the support of the poor of the said town; and no person by reason of his being one of the said Committee, or an inhabitant of the said town, shall thereby be disqualified from being a witness in any prosecution for a breach of this Act.

Recovery and appropriation of fines.

SECT. 7. *And be it further enacted*, That the Fish-Committee, or the major part of them, are hereby authorized to give liberty to any owner of any grist-mill standing on either of the aforesaid streams, to close the fish-ways, or either of them, after the first day of *June* annually, if they, or the major part of them, shall judge said fish have done passing up.

Closing fish-ways.

SECT. 8. *And be it further enacted*, That all laws heretofore made, relative to taking alewives in the aforesaid streams in said *Topsfield*, and relating to closing the fish-ways after the first day of *June* annually, are hereby repealed.

Repeal of former laws.

[This Act passed February 9, 1803.]

An ACT to authorize the raising a Fund for the Support of the Ministry and a Grammar School, in the Town of *Turner*, in the County of *Cumberland*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Ichabod Bonney, Esq. William Bradford, Benjamin Evans, John Turner, Esq. Daniel Carey, Luther Carey, and John Loring be, and hereby are appointed Trustees,* Names of Trustees. to sell the ministerial and school land in said town of *Turner*, and to put out at interest the monies arising from such sale, in manner hereinafter mentioned; and for that purpose,

SECT. 2. *Be it further enacted, That the said Trustees be, and they hereby are incorporated into a Body Politic by the name of The Trustees of the Ministerial and Grammar School Funds in the Town of Turner, in the county of Cumberland; and they and their successors shall be and continue a Body Politic and Corporate by that name forever; and they shall have a common seal, subject to be altered at their pleasure, and they may sue and be sued in all actions, real, personal and mixed, and prosecute and defend the same to final judgment and execution, by the name aforesaid.* Corporate name.

SECT. 3. *Be it further enacted, That the said Trustees and their successors, shall and may annually elect a President, and Clerk to record the doings and transactions of the Trustees at their meetings, and a Treasurer to receive and apply the monies hereinafter mentioned, as hereinafter directed, and any other needful officers for the better managing of their business.* Officers to be elected.

SECT. 4. *Be it further enacted, That the number of Trustees shall not at any one time be more than seven, nor less than five: Any five of their number to constitute a quorum for transacting business, and they shall and may, from time to time, fill up vacancies in their number, which may happen by death, resignation or otherwise, from the members of said town; and shall also have power to remove any of their number who may become unfit and incapable, from age, infirmity, misconduct or any other cause, of discharging their duty; and to supply a vacancy so made by a new choice from the town aforesaid: And the said Trustees shall annually hold a meeting in *March* or *April*, and as much oftener as may be found necessary to transact their necessary business, which meetings, after the first, shall be called in such way and manner as the Trustees shall hereafter direct.* Number of Trustees empowered to fill vacancies.

SECT. 5. *Be it further enacted, That Ichabod Bonney, Esq. be and he hereby is authorized to fix the time and place for holding*

First meeting. holding the first meeting of the Trustees, and to notify each Trustee thereof.

SECT. 6. *And be it further enacted,* That said Trustees be, and they hereby are authorized to sell and convey in fee simple, all the ministerial and grammar school lands belonging to said town, and to make, execute and acknowledge a good and sufficient deed or deeds thereof, which deed or deeds subscribed by the name of their Treasurer, by direction of said Trustees, with their seal thereto affixed, shall be good and effectual in law to pass and convey the fee simple from said town to the purchaser to all intents and purposes whatever.

SECT. 7. *Be it further enacted,* That the monies arising from the sale of said lands shall be put at interest as soon as may be, and secured by mortgage of real estate to the full value of the estate sold, or by two or more sufficient sureties with the principal, unless the Trustees shall think it best to invest the same in public funded securities or bank stock of this Commonwealth, which they may do.

SECT. 8. *Be it further enacted,* That the interest, arising from time to time on such monies, shall be annually, or oftener if practicable, put out at interest, and secured in manner aforesaid, unless invested in the funds or bank stock as aforesaid, and also the interest accruing from the interest, until a fund shall be accumulated on the sale of the ministerial lands, and the interest arising thereon, which shall yield yearly the sum of *three hundred and fifty dollars*; and until a fund shall be accumulated on the sale of school lands, and the interest arising thereon, which shall yield yearly the sum of *two hundred dollars*.

Appropriation
of interest.

SECT. 9. *Be it further enacted,* That as soon as an interest to that amount shall accrue, the Trustees shall forthwith apply the same, or that part arising from the sale of the ministerial lands, towards the annual support of a learned Protestant Minister, which may then be settled in said town, or which may thereafter be settled there, and so long as the said town shall remain without a settled minister, the annual interest aforesaid shall be put out at interest, and secured as aforesaid, to increase the said fund, until there be a resettlement of a minister; and that part arising from the sale of the school lands as aforesaid, towards the support of a grammar school in said town; and it shall never be in the power of said town to alienate, or anywise alter the funds aforesaid.

Treasurer
give bonds.

SECT. 10. *Be it further enacted,* That the Clerk of said Corporation shall be sworn previous to his entering on the duties of his office; and the Treasurer of the Trustees shall give bond faithfully to perform his duty, and to be at all times responsible for the faithful application and appropriation of the

the money which may come into his hands, conformably to the true intent and meaning of this Act, and for all negligence or misconduct of any kind in his office.

SECT. 11. *Be it further enacted*, That the Trustees or their officers for the services they may perform, shall be entitled to no compensation out of any money arising from the funds aforesaid, but if entitled to any, shall have and receive the same of said town as may be mutually agreed on.

Compensation
of Trustees.

SECT. 12. *Be it further enacted*, That the said Trustees and their successors shall exhibit to the town, at their annual meeting in *March* or *April*, a regular and fair statement of their doings.

Annual state-
ment.

SECT. 13. *Be it further enacted*, That the said Trustees and each of them, shall be responsible to the town for their personal negligence or misconduct, whether they be officers or not, and liable to a suit for any loss or damage arising thereby, the debt or damage recovered in such suit to be for the uses aforesaid.

Trustees con-
sidered respon-
sible.

[This Act passed *February 9, 1803.*]

An ACT annexing the Gore of Land, commonly called *Phillips's Gore*, in the County of *Cumberland*, to the Town of *Otisfield*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the gore of land aforesaid, with the inhabitants thereon, as described within the following bounds, viz. Beginning at the south-east corner of *Otisfield*; thence north twenty-five degrees west, on the easterly line of *Otisfield*, eight miles, to the north-east corner thereof; thence north sixty degrees east, four hundred and ten rods, to a stake and stones standing in a certain line marked, by Captains *Parker* and *Bracket*, in the year one thousand seven hundred and seventy-one, commonly known by the name of the *Parker* line; thence from said stake and stones south twenty-five degrees east on said *Parker* line, seven miles and one hundred and eighty-eight rods through *Thompson Pond*, to a stake and stones; thence south-west, four hundred and twenty rods, to the bounds first mentioned, be, and they hereby are annexed to, and made a part of the town of *Otisfield*, to enjoy all such privileges as town inhabitants do by law enjoy.

Boundaries.

SECT. 2. *And be it further enacted*, That the inhabitants of said *Phillips's Gore*, with their estates, shall be exempted from all State taxes, which may be assessed on said town of *Otisfield*,

Inhabitants ex-
empted from
stat taxes.

Otisfield, for the space of ten years from the fourteenth day of December, one thousand seven hundred and ninety-eight, agreeably to the conditions of the purchase of said lands which was made with the Committee for the sale of eastern lands.

[This Act passed February 9, 1803.]

An ACT regulating the taking the Fish called Alewives in the several Streams emptying into *Merrimack River*, in the Town of *Haverhill*.

Fish Committee to be chosen.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That it shall and may be lawful for the inhabitants of said town of *Haverhill*, from time to time, at their annual meeting in the month of *March* or *April*, to choose, by ballot, a Committee of freeholders in said town, whose duty it shall be to determine and order by whom, and in what place or places the said fish may be taken in the several streams emptying into *Merrimack River*, within the town aforesaid; and shall cause a copy of such order, signed by said Committee, or any two of them, to be posted up in some public place in said town: And any person who shall violate such order, upon conviction thereof, shall forfeit and pay a sum not exceeding *five dollars*, nor less than *two dollars*: *Provided* the quantity of fish so taken be less than one barrel: But for every barrel of fish so taken contrary to this law, any person convicted thereof shall forfeit and pay the sum of *seven dollars*, to be recovered before any Justice of the Peace in the county of *Essex* before whom the complaint shall be made.

Sluice-ways may be opened, and obstructions removed.

SECT. 2. *And be it further enacted*, That the Committee aforesaid, or the major part of them, are hereby authorized and empowered to open such sluice or passage-ways through or round any dams erected, or that shall be erected across said streams, as they shall judge necessary for the free passage of said fish, and to remove lumber and every other obstruction to the free passage of said fish; to erect racks or wooden frames, as they shall judge necessary, in said streams through which said fish pass, they being restricted in such opening and clearing to do the same as little to the damage of the owner or owners as may be; and such passage, so opened by the Committee aforesaid, shall continue open, if they judge it necessary, from the tenth day of *April* to the last day of *May* annually: And if any person or persons shall unlawfully obstruct the passage or passages for said fish, remove or injure any rack or racks that shall be erected by said Committee on said streams, such

such person or persons so offending, upon conviction thereof, shall forfeit and pay a sum not exceeding *one hundred dollars*, nor less than *forty dollars*, to be recovered in any Court proper to try the same. Penalty for obstructing passage of fish, &c.

SECT. 3. *And be it further enacted*, That it shall and may be lawful for any of said Committee or their assistants, while in the execution of their office, to go upon the land adjoining to said streams without being considered as trespassers; and any person or persons who shall attempt to hinder or molest said Committee, or either of them, in the execution of their office, shall forfeit and pay a sum not exceeding *twenty dollars*, nor less than *ten dollars*, to be recovered in any Court proper to try the same. Committee-men not to be considered trespassers.

SECT. 4. *And be it further enacted*, That the said Committee be, and hereby are authorized and directed to distribute, or cause to be distributed, the fish that may be taken by them, or any person or persons under them, as equally as circumstances will admit, to such persons as apply for the same; and for the fish so supplied, the Committee aforesaid, or their agent or agents, shall demand a sum not exceeding *twenty-five cents* for each hundred of fish so delivered, excepting of certain poor persons of said town of *Haverhill*, who, in the opinion of the Selectmen of said town, are unable to pay for the same, and such persons shall be supplied gratis with such quantities as the said Committee shall judge expedient: And the said Committee shall, on the first town-meeting after the month of *May* annually, exhibit an account of all the fish disposed of by them, and the balance, if any remain after paying them a reasonable compensation for their services, shall be paid into the treasury of said town, for the benefit thereof. Fish to be sold, and price limited.

SECT. 5. *And be it further enacted*, That the Committee so chosen shall, before they enter upon the duties of their office, be sworn faithfully to discharge the duties required of them by said town, agreeable to this Act. Committee to be sworn.

SECT. 6. *And be it further enacted*, That any of the inhabitants of said town of *Haverhill*, not concerned in violating this Act, may be admitted as witnesses in any action that may be brought for any penalties aforesaid, they being inhabitants of said town notwithstanding. Inhabitants of Haverhill may be witnesses.

SECT. 7. *And be it further enacted*, That no person or persons shall, after passing this Act, be allowed to catch salmon, shad or alewives, or drag any seine or set any net, pot or other machine, for the purpose of taking or catching said fish, or any otherwise obstruct said fish in their passage, within thirty rods below or twenty rods above the mouth of any streams in the town of *Haverhill* emptying into *Merrimack River*, where said fish usually pass up, on penalty of *thirteen dollars*, to be recovered Catching fish at certain places forbidden.

covered before any Court proper to try the same, and the seine, net, pot, or other machine so used, to be forfeited.

Fish may be taken at the times prescribed by a former Act.

SECT. 8. *And be it further enacted*, That the times and manner prescribed for taking fish in an Act passed *March 4, 1790*, entitled, "An Act to regulate the catching of salmon, shad and alewives, and to prevent obstructions in *Merrimack River*, and in the other rivers and streams running into the same, within this Commonwealth, and for repealing several Acts heretofore made for that purpose," shall be observed as the times and manner for taking said fish in the said streams in the town of *Haverhill*; and if any person shall take any of said fish at any other time or in any other manner than is prescribed in the Act last recited, he shall, for each offence, be subject to such penalty as is provided in the said Act for the same offence, to be appropriated in the same manner as the other forfeitures in this Act.

Persons to account for fish found in their possession.

SECT. 9. *And be it further enacted*, That if any person is found attempting to take any of said fish at any time or place, otherwise than is provided by this Act, or if any of said fish shall be found in the possession of any person, such person or persons shall be deemed to have taken them unlawfully, and shall be subject to the penalties by this Act prescribed, unless he or they shall make it appear upon trial, that they came by said fish lawfully.

Disposition of fines.

SECT. 10. *And be it further enacted*, That all fines and forfeitures incurred by breach of this Act, shall enure, one moiety thereof to him or them who shall complain or make information of the same, and the other moiety to the said town of *Haverhill*.

[This Act passed *February 9, 1803.*]

June 27, 1798.

An ACT in addition to an Act, entitled, "An Act to secure the Town of *Boston* from Damage by Fire," and repealing certain Parts thereof.

External sides and ends of houses to be of brick or stone, &c.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this Act, no building, of any kind whatsoever, which shall be more than ten feet high from the ground to the highest point in the roof thereof, shall be erected or built within the town of *Boston*, unless all the external sides and ends thereof shall be built or composed of brick or stone, except so much as may be necessary for doors and windows, and unless the roofs of all such buildings shall be entirely covered with slate, tile or some incombustible composition, and the gutters secured effectually against

against fire; and no brick or stone wall shall be deemed sufficient within the meaning of this Act, unless the same shall be at least twelve inches thick in the lower story, and eight inches thick above the lower story, and all double houses shall have partition walls, which shall be built of stone or brick, and of the thickness last mentioned, and shall rise in battlements at least three feet above the roof; and all additions which shall be made to buildings already erected, and all buildings which shall be erected on old foundations, in part or in whole, shall be deemed and considered within the restrictions and regulations of this Act: *Provided nevertheless*, That upon any wharf, marsh or other place, where no sufficient foundation can be obtained without unreasonable expense, on permission of the firewards of said town, or the major part of them in writing, wooden buildings, of not more than two stories high, may be erected, which shall be covered on all sides with slate, tile or lime mortar, and filled in with bricks laid in mortar, and the roofs, eaves and gutters shall be secured as before directed.

Dimensions of walls.

Restrictions apply to houses added to.

Firewards empowered to allow wooden buildings on wharves, &c.

SECT. 2. *And be it further enacted by the authority aforesaid*, That no wooden building, more than ten feet high, shall be removed from any part of the town of *Boston*, to any other place within the same town, without the permission of the Firewards of said town, or the major part of them, under such restrictions and provisions as they shall prescribe; nor shall any wooden building, heretofore erected within the said town, and not now used as a dwelling-house, be hereafter occupied as a dwelling-house, or for any other purpose than that to which it is now applied, without the permission of the firewards as aforesaid.

Wooden buildings to be removed.

SECT. 3. *And be it further enacted*, That every person who shall erect or add to, remove or alter any building within the town of *Boston*, contrary to the provisions of this Act, and every building so erected, added to, altered or removed, shall be subject to the penalties, forfeitures, fines and impositions which are provided by the third and fourth sections of the Act to which this is an addition.

Persons violating this Act subject to penalties of former Act.

SECT. 4. *And be it further enacted*, That every kettle, boiler or copper, for the use of any caulker, graver, ship-carpenter, tallow-chandler, soap-boiler, painter, chemist, druggist, or other like artificer, shall be so fixed in brick or stone laid in mortar as to prevent all communication between the fire and the substance or substances boiled.

Kettles, copers, &c. to be fixed in brick or stone, &c.

SECT. 5. *And be it further enacted*, That the first and second sections of the Act to which this is an addition be, and the same are hereby repealed, excepting that such parts thereof

Part of former Act repealed.

as may be necessary to recover all fines and penalties incurred upon the Act aforesaid, shall remain in full force ; and all penalties and forfeitures under this Act shall accrue and enure, be prosecuted for and recovered, in the way and manner provided by the Act to which this is an addition.

Firewards al-
lowed to per-
mit the erec-
tion of certain
wooden build-
ings in certain
cases.

SECT. 6. *And be it further enacted,* That the firewards of said town, or the major part of them, be, and they are hereby authorized and empowered, by writing under their hands, to license any person or persons to erect or build any house or other building more than fourteen feet high from the ground to the highest point thereof, conformable to the Act to which this is an addition, wherever it shall appear to their satisfaction, that any such person or persons had, on or before the twenty-first day of *January* last past, actually incurred expense by procuring and fitting or preparing the materials for such building : *Provided nevertheless,* That all such buildings shall be actually erected on or before the first day of *June* next ; otherwise such licenses shall be void.

— may compel
assistance at
fires.

SECT. 7. *And be it further enacted,* That it shall be lawful for the firewards of said town to require and compel the assistance of all or any of the inhabitants of said town, and any other persons who shall be present as spectators of any fire ; and in any suit or prosecution therefor, it shall be lawful for them to plead the general issue, and give this Act in evidence.

[This Act passed February 9, 1803.]

March 8, 1802. An ACT in addition to an Act, entitled, “ An Act establishing *The Norfolk and Bristol Turnpike Corporation.*”

Empowered to
lay out a new
road, and route
prescribed.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *The Norfolk and Bristol Turnpike Corporation* be, and hereby is authorized and empowered, under the direction of the Committee appointed by the General Court, to locate the route of the turnpike from the court-house in *Dedham* to *Pawtucket Bridge*, so called, to lay out and make a turnpike road communicating with the former : Beginning at the said court-house ; and thence passing by *Pitt's Head*, so called, to the post-office in said *Dedham* ; and running thence, nearly north-easterly, to a high rock easterly of the widow *Mary Draper's*, in *Roxbury* ; and thence near and by the house of the late *John Davis*, deceased, in said *Roxbury* ; and also near and by the wheelwright's shop of *Chenery* ; and also near and by the barn of *Thomas Weld* ; and also through the

the land of Captain *Joseph Williams*, southerly of his dwelling-house, to the end of *Mears's Lane*, so called, in said *Roxbury*, near the house of the late Governor *Sumner*; and thence to the southerly side of the pavement near to the brick school-house in said town of *Roxbury*: Which said turnpike road shall be at least twenty-four feet wide in the made or travelled part thereof; and shall be laid out from the said post-office in *Dedham* to the aforesaid end of *Mears's Lane* of the width of four rods, except in such places as the said Committee may otherwise order, but in no part between said post-office and the aforesaid end of *Mears's Lane*, to be less than three rods wide.

SECT. 2. *And be it further enacted*, That when the said turnpike road shall be sufficiently made, and shall be allowed and approved by the abovesaid Committee, then the said Corporation shall be authorized to erect one turnpike gate in such place as shall be necessary and convenient, and as the said Committee shall direct; subject, however, to the provision hereinafter made: And the said Corporation shall then be entitled to receive the like rates of toll as in and by a certain Act, entitled, "An Act establishing *The Norfolk and Bristol Turnpike Corporation*," may be demanded at each of the gates therein allowed to be erected: *Provided nevertheless*, That the said turnpike gate shall *not* be erected at any place on the present travelled road, but at some place between the said post-office in *Dedham* and the said end of *Mears's Lane* in *Roxbury*, on the said proposed new route: *Provided also*, That nothing in this Act shall extend to entitle the said Corporation to demand toll of any person who shall be passing with his horse or carriage to or from public worship, or with his horse or team to or from any mill, or with his horse, team or cattle to or from his common labour on his farm, or on the common and ordinary business of family concerns within the same town, or any person passing on military duty.

— to erect a
turnpike gate.

Proviso

Exemptions
from toll.

SECT. 3. *And be it further enacted*, That the said Corporation be, and hereby is vested with all the powers, rights and privileges, and subjected to the same duties, requisitions and limitations, in respect to the turnpike road which the said Corporation is hereby authorized to make, as if the same had been expressly included in the aforesaid Act of incorporation.

Rights and du-
ties same as in
a former Act.

[This Act passed February 10, 1803.]

Additional Act,
Jan. 24, 1804.
Act to limit &
establish the
stock, June 23,
1804.

An ACT to incorporate *John Codman*, and others,
into a Company by the Name of *The Suffolk Insur-*
ance Company.

Corporate
name.

SECT. 1. *BE it enacted by the Senate and House of Representa-*
tives, in General Court assembled, and by the author-
ity of the same, That the said *John Codman*, and others, and all
such persons as have already or shall hereafter become Stock-
holders in the said Company, be, and hereby are incorporated
into a Company and Body Politic, by the name of *The Suffolk*
Insurance Company, for and during the term of twenty years
after the passing of this Act; and by that name may sue or be
sued, plead or be impleaded, appear, prosecute and defend to
final judgment and execution; and have a common seal, which
they may alter at pleasure; and may purchase, hold and convey
any estate, real or personal, for the use of said Company, subject
to the restrictions hereinafter mentioned.

Amount and
division of cap-
ital stock.

SECT. 2. *And be it further enacted,* That the capital stock
of the said Company shall be divided into shares of *one hundred*
dollars each, which shall be paid in to the said Company in man-
ner provided in the ninth section of this Act; and the whole
number of shares shall be *three thousand*, and the whole capital
stock, estate and property which the said Company shall be
authorized to hold, shall never exceed *three hundred thousand*
dollars, exclusive of premium notes and profits arising from the
business of said Company, of which capital stock not more than
twenty thousand dollars shall at any time be invested in real estate.

Directors and
a President to
be chosen.

SECT. 3. *And be it further enacted,* That the stock, property,
affairs and concerns of the said Company shall be managed and
conducted by seven Directors, one of whom shall be President
thereof, who shall hold their offices for one year, and until
others are chosen, and no longer; and who shall at the times of
their election be Stockholders, and citizens of this Common-
wealth, and shall be elected on the second Monday of *January*
in each and every year, at such time of the day, and in such a
place in the town of *Boston* as a majority of the Directors for the
time being shall appoint, of which election public notice shall
be given in at least two of the newspapers printed in the town
of *Boston*, and continued for the space of ten days immediately
preceding such election; and the election shall be holden under
the inspection of three Stockholders, not being Directors; and
the election shall be made by ballot by a majority of the votes
of the Stockholders present, allowing one vote to each share in
the capital stock: *Provided,* That no Stockholder shall be al-
lowed more than thirty votes; and the Stockholders not present
may vote by proxy, under such regulations as the Company shall
prescribe;

Mode of elec-
tion.

prescribe: And if through any unavoidable accident the said Directors should not be chosen on the second Monday of *January* as aforesaid, it shall be lawful to choose them on any other day, in the manner herein prescribed.

SECT. 4. *And be it further enacted*, That the Directors when chosen shall meet as soon as may be after every election, and shall choose out of their body one person to be President, who shall be sworn faithfully to discharge the duties of his office, and who shall preside for one year; and in case of the death, resignation or inability to serve of the President or any Director, such vacancy or vacancies shall be filled, for the remainder of the year in which they happen, by a special election for that purpose, to be held in the same manner as herein before directed respecting annual elections for Directors.

Directors to
choose the Pre-
sident.

SECT. 5. *And be it further enacted*, That the President and three of the Directors, or four of the Directors in the absence of the President, shall be a Board competent for the transaction of business; and all questions before them shall be decided by a majority of votes; and they shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of said Company, and the transfer of the shares, and touching the duties and conduct of the several officers, clerks and servants employed, and the election of Directors, and all such matters as appertain to the business of insurance; and shall also have power to appoint a Secretary, and so many clerks and servants for carrying on the said business, and with such salaries and allowances to them, and to the President, as to the said Board shall seem meet: *Provided*, That such by-laws, rules and regulations shall not be repugnant to the Constitution or laws of this Commonwealth.

Board for the
dispatch of bu-
siness, and its
powers.

Secretary and
Clerks to be
appointed.

SECT. 6. *And be it further enacted*, That there shall be stated meetings of the Directors at least once in every month, and as often within each month as the President and Board of Directors shall deem proper; and the President, and a Committee of two of the Directors, to be by him appointed in rotation, shall assemble daily, if need be, for the dispatch of business; and the said Board of Directors, or the Committee aforesaid, at and during the pleasure of said Board, shall have power and authority on behalf of the Company, to make insurances upon vessels, freight, money, goods and effects, and against captivity of persons, and on the life of any person during his absence by sea, and in cases of money lent upon *bottomry* and *respondentia*, and to fix the premiums and terms of payment: And all policies of insurance by them made shall be subscribed by the President, or in case of his death, sickness, inability or absence, by any two of the Directors, and countersigned by the Secretary,

Stated meet-
ings.

What may be
insured.

and

and shall be binding and obligatory upon the said Company, and have the like effect and force as if under the seal of the said Company; and all losses duly arising under any policy so subscribed, may be adjusted and settled by the President and Board of Directors, and the same shall be binding on the Company.

Semi-annual
dividends to be
made.

Case of losses
which may less-
en the capital
stock.

SECT. 7. *And be it further enacted*, That it shall be the duty of the Directors, on the first Monday of *July* and *January* in every year, to make dividends of so much of the interest arising from their capital stock, and the profits of the said Company, as to them shall appear adviseable; but the monies received, and notes taken for premiums on risks, which shall be undetermined and outstanding at the time of making such dividends, shall not be considered as part of the profits of the Company: And in case of any loss or losses, whereby the capital stock of the Company shall be lessened, before all the instalments are paid in, each Proprietor or Stockholder's estate shall be held accountable for the instalments that may remain unpaid on his share or shares at the time of such loss or losses taking place, and no subsequent dividend shall be made, until a sum arising from the profits of the business of the Company, equal to such diminution, shall have been added to the capital; and that once in every three years, and oftener if required by a majority of the votes of the Stockholders, the Directors shall lay before the Stockholders, at a general meeting, an exact and particular statement of the profits, if any there be, after deducting losses and dividends.

Capital stock
how to be se-
cured.

SECT. 8. *And be it further enacted*, That the said Company shall not directly nor indirectly deal or trade in buying or selling any goods, wares, merchandize or commodities whatsoever; and the capital stock of said Company, after being collected at each instalment, shall, within six months, be invested either in the funded debt of the *United States*, or of this Commonwealth, or in the stock of the *United States Bank*, or of any incorporated Bank in this Commonwealth, in either or all of them, and in such proportions as may be most for the interest of said Company, at the discretion of the President and Directors of said Company, or of such other person or persons as said Stockholders shall for such purpose at any meeting appoint.

Instalments
when to be
paid.

SECT. 9. *And be it further enacted*, That *fifty dollars* on each share in said Company shall be paid in money within twenty days after the first meeting of said Company, and the remaining sum of *fifty dollars* on each share shall be paid in money within one year afterwards, at such equal instalments and under such penalties as the said Company shall direct.

Directors of
other Compa-
nies

SECT. 10. *And be it further enacted*, That no person being a Director of any other Company carrying on the business of marine

marine insurance, shall be eligible as a Director of the Company by this Act established.

SECT. 11. *And be it further enacted*, That the property of any member of said Company, vested in the stock of said Company, with the dividend or dividends due thereon, shall be liable to attachment and execution in favour of any *bona fide* creditor, in manner following, viz. Whenever a proper officer, having a writ of attachment or execution against any such member, shall apply, with such writ or execution, to the Secretary of said Company, it shall be the duty of said Secretary to expose the books of the Corporation to such officer, and furnish him with a certificate under his hand in his official capacity, ascertaining the number of shares the said member holds in said Company, and the amount of the dividend or dividends due thereon; and when any such share or shares shall be attached on *mesne process*, or taken in execution, an attested copy of such writ of attachment or execution shall be left with the said Secretary; and such share or shares may be sold on execution after the same notification of the time and place of sale, and in the same mode of sale as other personal property; and it shall be the duty of the officer making such sale, within ten days thereafter, to leave an attested copy of the execution, with his return thereon, with the Secretary of the Company, and the vendee shall thereby become the Proprietor of such share or shares, and entitled to the same, and to all the dividends which shall have accrued thereon after the taking in execution as aforesaid, or when there shall have been a previous attachment, after such attachment, notwithstanding any intervening transfer.

Shares and dividends liable to attachment.

Proceedings in case of attachments.

SECT. 12. *And be it further enacted*, That in case of any loss or losses taking place, that shall be equal to the amount of the capital stock of the said Company, and the President or Directors, after knowing of such loss or losses taking place, shall subscribe to any policy of insurance, their estates jointly and severally shall be accountable for the amount of any and every loss that shall take place under policies so subscribed.

President and Directors liable for insurance made in certain cases.

SECT. 13. *And be it further enacted*, That the President and Directors of said Company shall, previous to their subscribing to any policy, and once in every year after, publish in two of the newspapers printed in the town of *Boston*, the amount of their stock, against what risks they mean to insure, and the largest sum they mean to take on any one risk.

Amount of stock to be published.

SECT. 14. *And be it further enacted*, That the President and Directors of said Company shall, when, and as often as required by the Legislature of this Commonwealth, lay before them a statement of the affairs of said Company, and submit to an examination concerning the same under oath.

Statement to be laid before the legislature.

First meeting
of Stockhold-
ers.

SECT. 15. *And be it further enacted, That John Codman, Thomas Amory and David Sears, or any two of them, are hereby authorized to call a meeting of the members of said Company as soon as may be, in Boston, by advertizing the same for three weeks successively in two of the newspapers printed in said town, for the purpose of their electing a first Board of Directors, who shall continue in office until the second Monday of January, one thousand eight hundred and four.*

[This Act passed February 12, 1803.]

An ACT to establish *The Fifteenth Massachusetts Turnpike Corporation.*

Names of per-
sons incorpora-
ted.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That David Tracy, Richard Stevens, Orson Smith, Seth Morse, Elisha Andrews, Solomon Hart, John Hyde, Devenport Adams, Noah Church, Elijah Catlin, Zenas Hyde, William P. Stevens, Amos King, Seth Shelden, John D. Taylor, Elias Taylor, Stephen Sage, Joshua Emmes, Abel Sage, Daniel Herrick, Amos Hall, Jacob Webster, Abner Webster, Abel Wilcox, jun. William Wilcox, Micah Goodrich, Solomon Smith, jun. Joseph Paine, jun. Richard Chapin, Daniel Sears, and Josiah Harmon, and all such persons as shall associate with them and their successors, shall be a Corporation by the name of The Fifteenth Massachusetts Turnpike Corporation, with all the powers and privileges incident to Corporations, for the purpose of laying out and making a turnpike road from the termination of the turnpike road leading from New-Haven to Massachusetts line at Southfield, near Sandy Brook, so called; from thence, in the most convenient and direct route, near to the dwelling-house of Stephen Sage, in Sandisfield, to the dwelling-house of Eliphalet Phelps, in New-Marlborough; from thence, in the most convenient and direct route, to the north meeting-house in said New-Marlborough; from thence, in the most convenient route, to Noah Church's dwelling-house; from thence, in the most convenient route, to the dwelling-house of Samuel Kingman; from thence, in the most convenient and direct route, to the river at the lower end of the meadow, near the dwelling-house of Solomon Hart; from thence, in the most convenient route, between the dwelling-houses of David Tracy and Richard Stevens, to the top of Three-Mile Hill, in Great-Barrington, between the dwelling-house of Seth Morse and the guide-board on the top of said hill; from thence, in the most convenient and direct route, to the south line of Stockbridge, near the dwelling-house of Elisha Andrews; and for keeping the same in repair, which shall not be less than four rods wide,*

Corporate
name.

Course of the
road.

and

and the path to be travelled on not less than twenty-two feet wide in any place; and that when said turnpike road shall be sufficiently made, and shall be so allowed and approved by the Justices of the Court of Common Pleas for the county of *Berkshire*, at any term thereof, then the said Corporation shall be authorized to erect two gates on said road, in such places as the Justices of the Court of Common Pleas in said county of *Berkshire* shall determine, *provided* that said gates shall not be placed on any present public road; and shall be entitled to receive for each traveller and passenger, at each of said gates, the following rates of toll, viz. For every coach, chariot, phaeton or other four wheel carriage, drawn by two horses, *twenty-five cents*, and if drawn by more than two horses, an additional sum of *four cents* for each horse; for every cart or waggon, drawn by two oxen or horses, *ten cents*, and if drawn by more than two oxen or horses, the additional sum of *three cents* for each ox or horse; for every curricule, *twelve cents and five mills*; for every chaise, chair or other carriage, drawn by one horse, *twelve cents and five mills*; for every man and horse, *five cents*; for every sled or sleigh, drawn by two oxen or horses, *seven cents*, if drawn by more than two oxen or horses, an additional sum of *two cents* for each ox or horse; for every sled or sleigh, drawn by one horse, *five cents*; for all horses, mules, oxen or neat cattle, led or driven, besides those in teams and carriages, *one cent* each; for all sheep or swine at the rate of *three cents* per dozen: *Provided also*, That the said Corporation may, if they see fit, commute the rate of toll with any person, or with the inhabitants of any town through which the said road passes, by taking of him or them a certain sum annually, to be mutually agreed upon in lieu of the toll aforesaid: *Provided*, That no toll shall be taken of any person passing said road on military duty, to or from public worship, to or from any mill, or about his common and ordinary business within the town wherein he resides.

Two gates may be erected.

Toll.

Proviso.

Exemptions.

SECT. 2. *Be it further enacted*, That the said Corporation may purchase and hold lands over which they may make said road; and the Justices of the Court of General Sessions of the Peace for the county of *Berkshire*, are hereby authorized, on application of said Corporation, to lay out said road, or any part thereof, as with the consent of said Corporation they may think proper: And the said Corporation shall be liable to pay all damages that shall arise to any person by taking his land for such road, when the same cannot be obtained by voluntary agreement, to be estimated by a Committee of the Court of General Sessions of the Peace in the county of *Berkshire*, saving to either party the right of trial by Jury, according to the law which makes provision for the recovery of damages arising from the laying out of highways.

Corporation allowed to hold land.

Penalty for delaying passengers.

Process for recovering penalty.

The gates to be set open if road is not kept in repair.

Penalty for injuring road, or forcibly passing.

Penalty for improperly evading toll.

SECT. 3. *Be it further enacted*, That if said Corporation, their toll-gatherers, or others in their employ, shall unreasonably delay or hinder any traveller or passenger at either of the said gates, or shall demand or receive more toll than is by this Act established, the Corporation shall forfeit and pay a sum not exceeding *ten dollars* nor less than *one dollar*, to be recovered before any Justice of the Peace of the county where the offence shall be committed, by any person injured, delayed or defrauded, in a special action on the case; the writ in which shall be served on the said Corporation, by leaving a copy of the same with their Treasurer, or with some individual member of the Corporation living within the county wherein the action may be brought, or reading the contents thereof to said Treasurer or individual member, at least seven days before the day of trial; and the Treasurer of said Corporation, or individual member, shall be allowed to defend the same suit in behalf of the Corporation; and the said Corporation shall be liable to pay all damages which shall happen to any person from whom toll is by this Act demandable, for any injury which shall arise from defect of bridges or want of repairs within the same way; and also be liable to a fine, on presentment of the Grand Jury, for not keeping the same, or the bridges thereon in good repair; and if the said road, or any part thereof, shall be suffered to be out of repair, the Justices of the Court of Common Pleas, or a major part thereof, or a Committee to be by them appointed for that purpose, may, after notice in writing served on the Clerk or Treasurer, or any other principal member of said Corporation, seven days before the time of hearing, order the said gates, or either of them, to be set open; and immediately upon the service of such order, under the hands of said Justices or Committee, or the Clerk of said Corporation, the said gate or gates shall be opened, and kept open, and no toll demanded or taken thereat, until the Justices of said Court, or said Committee, shall grant an order for putting up said gate or gates, and receiving the toll thereat.

SECT. 4. *Be it further enacted*, That if any person shall cut, break down or destroy any of the said turnpike gates, or shall forcibly pass, or attempt forcibly to pass the same, without having first paid the legal toll at such gate, such person shall forfeit and pay a fine not exceeding *fifty dollars* nor less than *two dollars*, to be recovered by the Treasurer of said Corporation to their use, in an action of trespass: And if any person shall, with his cattle, team, carriage or horse, turn out of the said road to pass the said turnpike gate, on ground adjacent thereto, and again enter on said road, with intent to avoid the toll due by virtue of this Act, such person shall forfeit *one dollar*, to be recovered by the Treasurer of the said Corporation, to the use thereof, in an action of trespass on the case.

SECT.

SECT. 5. *Be it further enacted*, That the shares in the same turnpike road shall be taken, deemed and considered to be personal estate, to all intents and purposes, and shall and may be transferable; and the mode of transferring said shares shall be by deed, acknowledged before any Justice of the Peace, and recorded by the Clerk of said Corporation in a book to be kept for that purpose: And when any of said shares shall be attached on *mesne process*, or taken in execution, an attested copy of such writ of attachment or execution shall be left with the Clerk of said Corporation, otherwise such attachment or taking in execution shall be void; and such shares may be sold on execution in the same manner as is or may by law be provided for the sale of personal property by execution; the officer making sale, or the judgment creditor, leaving a copy of the execution and the officer's return on the same, with the Clerk of the said Corporation, within ten days after such sale, and paying for the recording of the same.

Shares deemed
personal estate.

SECT. 6. *Be it further enacted*, That a meeting of said Corporation shall be held at the house of *Noah Church*, innholder in *New-Marlborough*, in the county of *Berkshire*, on the second Tuesday in *April* next, for the purpose of choosing a Clerk, and such other officers as may then and there be agreed upon by the said Corporation, for regulating the concerns thereof; and that the said Corporation may then and there agree upon such method of calling meetings in future as they may judge proper.

First meeting
of Proprietors.

SECT. 7. *Be it further enacted*, That the said Corporation shall, within six months after said road is completed, lodge in the Secretary's office an account of the expenses thereof; and that the said Corporation shall annually exhibit to the Governor and Council, a true account of the income or dividend arising from the said toll, with their necessary annual disbursements on said road; and that the books of said Corporation shall at all times be subject to the inspection of a Committee to be appointed by the General Court, or to the inspection of the Governor and Council when called for.

Account of re-
ceipts and ex-
penses to be
exhibited.

SECT. 8. *Be it further enacted*, That whenever any Proprietor shall neglect or refuse to pay any tax or assessment, duly voted and agreed upon by the Corporation to their Treasurer, within sixty days after the time set for the payment thereof, the Treasurer of said Corporation is hereby authorized to sell at public vendue, the share or shares of such delinquent Proprietor, one or more, as shall be sufficient to defray said taxes, and necessary incidental charges, after duly notifying in some newspaper printed in the county of *Berkshire*, the sum due on any such shares, and time and place of sale, at least twenty days previous to the time of sale; and such sale shall be a sufficient transfer of the share or shares so sold, to the person purchasing; and

Shares of delin-
quent Proprie-
tors may be
sold.

and on producing a certificate of such sale, from the Treasurer to the Clerk of said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the book of the said Corporation, and such person shall be considered to all intents and purposes the Proprietor thereof; and the overplus, if any there be, shall be paid on demand, by the Treasurer, to the person whose shares were thus sold.

SECT. 9. *Be it further enacted,* That the said Corporation shall, at all places where the said toll shall be collected, erect and keep constantly exposed to view, a sign or board, with the rates of toll of all the tollable articles fairly and legibly written in large or capital characters.

Sign-board to
be erected.

SECT. 10. *And be it further enacted,* That the General Court may dissolve said Corporation, whenever it shall appear to their satisfaction, that the income arising from the said toll shall have fully compensated the said Corporation for all monies they may have expended in purchasing, repairing and taking care of the said roads, together with an interest thereon, at the rate of *twelve per centum* by the year, and thereupon the property of the said road shall be vested in this Commonwealth, and be at their disposal: *Provided,* That if the said Corporation shall neglect to complete the said turnpike road, for the space of three years from the passing of this Act, the same shall become void and of no effect.

General Court
may dissolve
this Corpora-
tion.

[This Act passed *February 12, 1803.*]

An ACT to incorporate *William King* and others, into a Company by the Name of *The Lincoln and Kennebeck Marine Insurance Company.*

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *William King* and others, together with such persons as have already, or hereafter may become Stockholders in said Company, being citizens of the *United States*, be, and hereby are incorporated into a Company or Body Politic, by the name of *The Lincoln and Kennebeck Marine Insurance Company*, for and during the term of twenty years from the date of this Act; and by that name may sue and be sued, plead or be impleaded, appear, prosecute and defend to final judgment and execution, and have a common seal, which they may alter at pleasure, and may purchase, hold and convey any estate, real or personal, for the use of said Company, subject to the restrictions hereinafter mentioned.

Corporate
name.

SECT. 2. *Be it further enacted,* That a share in the capital stock of the said company shall be *one hundred dollars*; and the

Amount of
shares and cap-
ital stock.

number

number of shares shall be seven hundred and fifty; and if the said number of shares are not already filled, subscriptions shall be kept open, under the inspection of the President and Directors of the said Company, until the same shall be filled; and the whole capital stock, estate or property, which the said Company shall be authorized to hold, shall never exceed *seventy-five thousand dollars*, exclusive of premium notes, or profits arising from said business, of which capital stock or property *fifteen thousand dollars* only shall be invested in real estate.

SECT. 3. *Be it further enacted*, That the stock, property, affairs and concerns of the said Company shall be managed and conducted by nine Directors, one of whom shall be the President thereof, who shall hold their offices for one year, and until others shall be chosen, and no longer; which Directors shall, at the time of their election, be Stockholders and citizens of this Commonwealth, and shall be elected on the first Tuesday in *March*, in each and every year, at such times of the day, and at such place in the town of *Wiscasset* as a majority of the Directors for the time being shall appoint; of which election public notice shall be given, in at least two newspapers, one printed at *Portland*, and one printed at some town adjoining *Kennebeck River*, and continued for the space of fifteen days immediately preceding such election: And such election shall be holden under the inspection of three Stockholders, not being Directors, to be appointed previous to every election by the Directors, and shall be made by ballot, by a majority of votes of the Stockholders present, allowing one vote to each share in the capital stock: *Provided*, That no Stockholder shall be allowed more than twenty votes; and the Stockholders not present may vote by proxy, under such regulations as the said Company shall prescribe: And if, in case of any unavoidable accident, the said Directors should, on the said first Tuesday in *March*, not be chosen as aforesaid, it shall be lawful to choose them on another day, in manner herein prescribed.

Directors to be chosen.

Mode of election.

SECT. 4. *Be it further enacted*, That the Directors so chosen shall meet as soon as may be after every election, and shall choose out of their body one person to be President, who shall preside for one year, and be sworn faithfully to discharge the duties of his office; and in case of the death, resignation, or inability to serve, of the President or any Director, such vacancy or vacancies shall be filled, for the remainder of the year in which they may happen, by a special election for that purpose, to be held in the same manner as is herein before directed respecting annual elections for Directors and President.

President to be chosen & sworn.

SECT. 5. *Be it further enacted*, That the President and four of the Directors, (or five of the Directors in the absence of the

Board to transact business.

the

the President,) shall be a Board competent to transact business; and all questions before them shall be decided by a majority of votes; and they shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of said Company, and the transfer of the shares, and touching the duties and conduct of the several officers, clerks and servants employed, and the election of Directors, and all such matters as appertain to the business of insurance; and shall also have

Secretary and
Clerks to be
appointed.

power to appoint a Secretary, and so many clerks and servants, for carrying on the said business, and with such salaries and allowances to them, and to the President, as to the said Board shall seem meet: *Provided*, That such by-laws, rules and regulations shall not be repugnant to the Constitution or laws of this Commonwealth.

Meetings
of Directors.

SECT. 6. *Be it further enacted*, That there shall be stated meetings of the Directors, at least once in every month, and as often within each month as the President and Board of Directors shall deem proper; and the President and a Committee of three of the Directors, to be by him appointed in rotation, shall assemble daily, if need be, for the dispatch of business; and the said Board of Directors and the Committee aforesaid, at and during the pleasure of the said Board, shall have power and authority, on behalf of the Company, to make insurance upon vessels, freight, money, goods and effects, and against captivity of persons, and on the life of any person during his absence by sea; and in cases of money lent upon *bottomry* and *respondentia*; and to fix the premiums and terms of payment; and all policies of insurance by them made, shall be subscribed by the President, or in case of his death, sickness, inability or absence, by any two of the Directors, and countersigned by the Secretary, and shall be binding and obligatory upon the said Company, and have the like effect and force as if under the seal of the said Company; and the assured may thereupon maintain an action upon the case against the said Company; and all losses, duly arising under any policy so subscribed, may be adjusted and settled by the President and Board of Directors, and the same shall be binding on the Company.

Power of the
Board.

Semi-annual
dividends to be
made.

SECT. 7. *Be it further enacted*, That it shall be the duty of the Directors, on the first *Tuesday* of *July* and *January*, in every year, to make dividends of so much of the interest arising from the capital stock, and the profits of the said Company, as to them shall appear adviseable; but the monies received, and the notes taken for premiums on risks, which shall be undetermined and outstanding at the time of making such dividends,

dends, shall not be considered as part of the profits of the Company; and in case of any loss or losses, whereby the capital stock of the Company shall be lessened, each Proprietor's or Stockholder's estate shall be held accountable for the deficiency that may be due on his share or shares, at the time of said loss or losses taking place, to be paid into the said Company by assessments, or such other mode, and at such time or times as the Directors shall order; and no subsequent dividend shall be made until a sum equal to such diminution shall have been added to the capital; and that once in every two years, and oftener if required by a majority of votes of the Stockholders, the Directors shall lay before the Stockholders, at a general meeting, an exact and particular statement of the profits, if any there be, after deducting losses and dividends.

Case of reduction of the capital stock.

SECT. 8. *Be it further enacted,* That the said Company shall not, directly or indirectly, deal or trade in buying or selling any goods, wares, merchandize or commodities whatsoever; and the capital stock of said Company, after being collected at each instalment, shall, within ninety days, be invested either in the funded debt of the *United States*, or of this Commonwealth, or in the stock of the *United States* bank, or of any incorporated bank in this Commonwealth, at the discretion of the President and Directors of said Company, or of other officers which the Proprietors shall for such purpose appoint.

Capital stock to be invested in certain funds.

SECT. 9. *Be it further enacted,* That fifty dollars on each share in the said Company shall be paid within sixty days after the first meeting of the said Company, and the remaining sum due on each share, within one year afterwards, at such equal instalments, and under such penalties as the said Company shall direct; and no transfer of any share in said Company shall be permitted or be valid, until all the instalments on such shares shall have been paid.

Payment of instalments.

SECT. 10. *Be it further enacted,* That the property of any member of said Company, vested in the stock of said Company, shall be liable to attachment, and to the payment and satisfaction of his just debts, to any of his *bona fide* creditors, in manner following, *to wit*: In addition to the summons by law prescribed to be left with the defendant, a like summons shall be left with the Secretary of said Company, the debtor's shares in the said Company's funds, together with the interest and profits due or growing due thereon, or so much thereof as shall be sufficient, shall thereby be held to respond said suit according to law; and all transfers of the debtor's shares, not noted in the books of the Company previous to the delivery of such summons, shall be barred thereby; and execution may be levied upon the property of any Stockholder in said Company,

Shares liable to attachments.

pany, and his share or shares therein exposed to sale, in the same manner as is by law prescribed where personal estate is taken in execution: And it shall be the duty of the officer who extends such execution, to leave an attested copy thereof, with his doings thereon, with the Secretary of said Company, and the purchasers shall thereupon be entitled to the reception of all dividends and stocks which the debtor was previously entitled to: And upon any attachment being made, or execution levied on any shares in said Company, it shall be the duty of the Secretary of said Company to expose the books of the Company to the officer, and to furnish him with a certificate, under his hand in his official capacity, ascertaining the number of shares the debtor holds in the said Company, and the amount of the dividends due thereon.

The books to
be shewn.

No insurance
to be made af-
ter a loss equal
to the capital
stock.

SECT. 11. *Be it further enacted*, That in case of any loss or losses taking place, that shall be equal to the amount of the capital stock of the said Company, and the President or Directors, after knowing of such loss or losses taking place, shall subscribe to any policy of insurance, their estates jointly and severally shall be accountable for the amount of any and every loss that shall take place under policies thus subscribed: And that no person, being a Director of any Company carrying on the business of marine insurance, shall be eligible as a Director of the Company by this Act established: And should a majority of the Stockholders, at a meeting notified for the purpose, determine that their interest will in their opinion be promoted by a removal to *Bath*, in said county of *Lincoln*, they are hereby authorized to remove to the said town of *Bath*, and at that place transact their concerns as is provided for by this Act at *Wiscasset*.

Amount of
stock to be pub-
lished.

SECT. 12. *Be it further enacted*, That the President and Directors of the said Company shall, previous to their subscribing to any policy, and once in every year after, publish in two newspapers, one printed at *Portland*, and one printed at some town adjoining on *Kennebeck River*, the amount of their stock, against what risk they mean to insure, and the largest sum they mean to take on any one risk.

Statements to
be laid before
the Legislature.

SECT. 13. *Be it further enacted*, That the President and Directors of the said Company shall, when and as often as required by the Legislature of this Commonwealth, lay before them a statement of the affairs of said Company, and submit to an examination concerning the same under oath.

First meeting.

SECT. 14. *And be it further enacted*, That any four of the Stockholders are hereby authorized to call a meeting of the members of said Company, as soon as may be, in *Wiscasset*, by advertising the same for three weeks successively, in one newspaper printed at *Augusta*, and in *Jenks's* paper printed at *Portland*.

[This Act passed February 12, 1803.]

An ACT to regulate the taking of the Fish called Alewives in *Johnston's Brook*, so called, emptying into *Merrimack River*, in the Town of *Bradford*, and for clearing the Passage-Way of said Fish, from said *Merrimack River* to *Johnston's Pond*, and from thence to *Little Pond*, so called.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this Act, the said fish may be taken between where the said *Johnston's Brook* crosses the road, near *Benjamin Morse's* and *Carlton's* grist-mill dam, and in no other place in said brook or passage-way from *Merrimack River* to *Little Pond*, so called, and on such days only as are allowed by law for catching fish in *Merrimack River*; and on such of those days, and in such place or places within those limits, as a Committee who may be appointed by the town, as is hereinafter provided, may direct.

Where the fish may be taken.

SECT. 2. *And be it further enacted,* That the inhabitants of the town of *Bradford*, at their meeting for the choice of town officers in *March* or *April* annually, be, and they are hereby authorized and empowered to choose by ballot three or five persons, being freeholders in said town, a Committee to oversee the taking of the said fish as aforesaid; which Committee shall be sworn to the faithful discharge of their trust, and shall distribute the fish taken by them, or under their direction, as equally as circumstances will admit, to such of the inhabitants of the said town, or other persons, as may apply for the same: And for fish so supplied and delivered, the Committee aforesaid shall demand and receive of the person or persons applying therefor payment, at such rate or rates as the inhabitants of said town at their annual meeting in *March* or *April* may direct; excepting of such poor persons as shall be named in a list to be annually made out by the Selectmen of the town, and who, in the opinion of said Selectmen, are unable to pay for the same; which list shall be given to the Committee, and the person or persons borne on said list shall be supplied with such quantities of said fish gratis as the Committee may think expedient: And the Committee aforesaid shall have such allowance for their services as the inhabitants of said town, in open town-meeting, may determine; and shall, annually, in the month of *September* next after their appointment, exhibit their accounts to the Selectmen for settlement, and pay the balance, if any there is, into the town treasury, for the benefit of the said town.

Fish Committee to be chosen.

Certain poor persons to have fish gratis.

Committee to be paid.

Committee
may open
sluice-ways.

SECT. 3. *And be it further enacted*, That the Committee to be chosen as aforesaid, or the major part of them, be, and they are hereby authorized to clear any obstructions, or open any dam, or the sluice of any mill, or other water-works, that is or may be erected on or over said brook or passage-way, at the expense of the owner or owners of such dam or sluice-way: *Provided* such owner or owners shall neglect to open the same when thereto required by said Committee, or the major part of them, as aforesaid: And the dam or sluice-way so opened shall continue open to such width and depth, and for such length of time (not exceeding sixty days in one year) as said Committee, or the major part of them, may think necessary, with the least possible damage to the Proprietor or Proprietors of such mill or water-works: And if any person or persons shall obstruct the passage-ways allowed or ordered by the said Committee, or the major part of them, in any dam or sluice-way, or shall obstruct the passage of the said fish in any other part of said brook or passage-way than is permitted by this Act, such person or persons so offending shall forfeit and pay a sum not exceeding *one hundred and fifty dollars*, nor less than *thirty dollars*.

Penalty for ob-
structing pas-
sage-ways.

— for illegally
taking the fish.

SECT. 4. *And be it further enacted*, That if any person or persons other than the Committee, or such person or persons as shall be by them employed, shall take any of said fish in said brook or passage-way, or any part of it, at any time, or by any ways or means whatsoever, each person so offending shall forfeit and pay a sum not exceeding *seven dollars*, and not less than *four dollars*, for each offence.

Committee-
men not to be
considered
trespassers.

SECT. 5. *And be it further enacted*, That the Committee chosen as aforesaid, or either of them, or any person employed by them, shall have authority, for the purposes aforesaid, to go on the land or meadow of any person through which such brook or passage-way passes, without being considered as trespassers; and any person who shall molest or hinder said Committee, or any of them, or any person employed by them, in the execution of their duty, shall be subject to the same penalties as by this Act is incurred for placing obstructions on said brook or passage-way.

Persons to ac-
count for fish
found in their
possession.

SECT. 6. *And be it further enacted*, That if the Committee or either of them shall detect any person or persons in attempting to take any of said fish, at any time or place, or in any manner otherwise than is allowed by the said Committee, or shall find any such fish with such person or persons, they shall be considered and deemed to have taken such fish unlawfully, and shall be subject to the penalties of this Act accordingly, unless such person or persons can make it appear (on trial) that they came by said fish in some other way.

SECT.

SECT. 7. *And be it further enacted*, That if any minor or servant shall be found taking any of said fish in anywise contrary to this Act, or contrary to the rules or regulations of said town of *Bradford*, or their Committee as aforesaid, the parents, guardians, or masters of such minors or servants shall be held to pay all fines incurred by them for any breach of this Act, or the rules and orders of the town aforesaid.

Parents, &c. accountable for minors.

SECT. 8. *And be it further enacted*, That it shall be the duty of the Committee of the town, chosen as aforesaid, and of the Selectmen, to prosecute for any breach of this Act, and all prosecutions on this Act shall be brought in the name of the Town-Treasurer for the time being, and all fines or forfeitures recovered thereby shall accrue one moiety to the complainant, and the other moiety to the use of the town.

Committee to commence prosecutions.

SECT. 9. *And be it further enacted*, That no person shall be considered as disqualified from being a witness on any trial that may be had pursuant to this Act, on account of his belonging to the town of *Bradford*.

Witnesses.

[This Act passed February 12, 1803.]

An ACT in addition to an Act, entitled, "An Act to incorporate a Number of the Inhabitants of the south-westerly Part of *Peter sham*, and the north-westerly Part of *Hardwick*, in the County of *Worcester*, and the north-easterly Part of *Greenwich*, in the County of *Hampshire*, into a Town by the Name of *Dana*."

Feb. 13, 1801.

WHEREAS it has been represented to the Legislature by the said towns of *Peter sham* and *Dana*, that some part of the boundary line between said towns, as described in said Act, is inaccurate, uncertain, and different from what the parties intended, whereby difficulties and disputes may arise: Therefore,

Preamble.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this Act, the boundary line between said towns of *Peter sham* and *Dana*, running westerly from *Three-Penny Morris Hill*, so called, shall run as follows, viz. Beginning at a maple tree on the eastern declivity of said hill, and running north one hundred and twenty-eight rods, to the road leading from said *Peter sham* to *Dana*; thence west, thirty-four degrees south, on the south side of said road twenty rods and an half; thence south thirty-four degrees, west ten rods; thence west nine degrees, south eight rods; thence west four degrees, south twenty-five rods, to a walnut tree on the

Boundaries described.

the south side of said road; thence north, crossing the road, two rods, to a large rock; thence west sixteen degrees, south eighteen rods; thence west twenty-nine degrees, south sixteen rods, to an oak tree; thence north forty-two degrees, west twenty-eight rods, to the line of *Seth Williams's* land; thence north twenty-seven degrees, east two hundred and forty rods, to the north-east corner of said *Williams's* land; thence west fourteen degrees, north sixty-four rods; thence north thirty-two degrees, west fifty-eight rods, to the road; thence south fourteen degrees, west, on the east side of said road, thirty-four rods; thence west twenty-five degrees, south three rods, across said road to a corner of *Elijah Hildreth's* land; thence on the south line of said *Hildreth's* land eighty-seven rods; thence north thirty degrees, west fourteen rods, to a corner of said *Williams's* land; thence south twenty-eight degrees, west fifty-two rods, on the line of said *Williams's* land; thence north thirty-one degrees, west forty-nine rods; thence north thirty-two degrees, east ten rods; thence north five degrees, west twenty-two rods; thence south thirty-four degrees, west eighty-four rods, to a corner of said *Williams's* land; thence west thirty degrees, north eighty-six rods, to *Jonathan Sanderford's* land; thence south thirty degrees, west fifty-six rods; thence west twenty-two degrees, north one mile and sixty-eight rods, to the east line of *Joseph Hendrick's* land; thence north four degrees, west seventy-six rods, on said *Hendrick's* line, to the north-east corner of his land; thence west four degrees, south twenty rods; thence north five degrees, west sixty rods; thence west sixteen degrees, north twenty-three rods, to *George Hatstratt's* land, a corner; thence south fifty-two rods, to a white-oak tree; thence west three degrees, north thirty rods, to the east line of *Daniel Bigelow's* land; thence south six degrees, west one hundred and forty-six rods, to a corner of *Daniel Gould's* land; thence north thirty-six degrees, west two hundred and four rods, to a pine tree; thence west thirty-seven degrees, south twenty-eight rods, to a corner of *Alpheus Croswol's* land; thence north thirty-seven degrees west, one hundred and fifty-one rods, to *New-Salem* line; thence west thirty-seven degrees south, on *New-Salem* line, ninety rods, to the original south-westerly corner of said *Petersham*; any thing in the aforesaid Act to the contrary notwithstanding.

[This Act passed February 12, 1803.]

An ACT in amendment of an Act, entitled, "An Act to preserve and regulate the taking of Fish called Alewives, at *Neguaasset Falls*, so called, within the Town of *Woolwich*, in the County of *Lincoln*," passed the First Day of *March*, One thousand eight hundred.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Fish Committee in the town of *Woolwich*, provided in the Act to which this is in addition, shall have full power, and it shall be their duty to remove all logs, boards, slabs or other lumber from the passage-way of said alewives, from the waters at, above or below the said falls of *Neguaasset*, if such lumber shall, in the judgment of the said Committee, tend in any way to obstruct the free passage of said fish up or down the said falls at *Neguaasset*, and all such removals shall be at the expense of the said town of *Woolwich*. Fish Committee to remove lumber, &c.

SECT. 2. *And be it further enacted,* That if any person whomsoever, except the purchaser or purchasers, or such other person as shall be duly authorized by the said town of *Woolwich*, at their annual meeting in the month of *March* or *April*, shall take any of said alewives at *Neguaasset Falls*, or within half a mile above or below the said falls, or in the pond or stream leading thereto, he or they shall forfeit and pay for every fish so unlawfully taken, a fine not exceeding *ten cents*, nor less than *three cents*. Penalty for illegally taking the fish.

[This Act passed February 12, 1803.]

An ACT in addition to an Act, entitled, "An Act establishing *The Fifth Massachusetts Turnpike Corporation*." March 1, 1799.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Proprietors of *The Fifth Massachusetts Turnpike Corporation* be, and they are hereby authorized and empowered to make and extend their road from *Athol*, through the west part of *Royalston*, to the line of the State of *New-Hampshire*, at *Richmond*, where the new county road is now laid out. Road to be extended.

SECT. 2. *And be it further enacted by the authority aforesaid,* That whenever the road as aforesaid, from *Athol* to *Richmond*, shall be made, and accepted by a Committee to be appointed for that

Toll establi-
ed.

Proviso.

that purpose by the Court of General Sessions of the Peace in and for the county of *Worcester*, that then the Proprietors of said Corporation shall be allowed to take and receive at the present erected gates, the following rates of toll, viz. For every coach, phaeton, or other four wheel carriage, drawn by two horses, *twenty-five cents*, and for each additional horse, *six and one quarter of a cent*; for each cart or waggon, drawn by two oxen or horses, *twelve and one half cents*, and for each additional ox or horse, *six and one quarter of a cent*; for each curricule, *sixteen cents*; for each chaise, chair or fulkey, drawn by one horse, *twelve and one half cents*; for every sleigh or sled, drawn by two oxen or horses, *ten cents*, for each additional horse or ox, *four cents*; for each man and horse, *six and one quarter of a cent*; for each sleigh, sled or cart, drawn by one horse, *seven cents*; for all cattle, horses or mules, led or driven, *one cent* each; and for all sheep or swine, *three cents* by the dozen: *Provided nevertheless*, That nothing in this Act, or the Act to which this is an addition, shall extend to entitle said Corporation to demand or receive at their gate in *Athol*, toll of any person travelling with his horse, team, carriage or cattle, on the old road leading from *Petersham* to *Royalston* meeting-house, nor of any person travelling as aforesaid on said road, who shall not exceed the limits of the town of *Athol*: *Provided also*, That said Corporation shall be under the same restrictions respecting all persons travelling as aforesaid on said new county road, until the same is made into a turnpike, and accepted as aforesaid.

Penalty for im-
properly evad-
ing the toll.

SECT. 3. *And be it further enacted*, That if any person, under pretence of travelling on the old road leading from *Petersham* to *Royalston* meeting-house, or of not exceeding the limits of the town of *Athol*, or of travelling on the new county road according to the provision in this Act, with an intent to avoid paying toll, and shall thereby evade paying the same, and travel on the turnpike road contrary to said provision, he shall forfeit and pay to the Proprietors of said Corporation the sum of *ten dollars*.

Corporation
may vote mon-
ies for certain
purposes.

SECT. 4. *And be it further enacted*, That the Proprietors of said Corporation, at any meeting notified for that purpose, may vote and appropriate such sum or sums of money as they may think necessary for making or repairing any road or bridge leading into the turnpike road.

[This Act passed February 12, 1803.]

An ACT to establish *The Sixteenth Massachusetts Turnpike Corporation*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Timothy Robinson, Titus Fowler, John Phelps, Natha.*

Natha. Bates, Enoch Bancroft, Oliver Dickinson, Moses Parsons, ^{Names of persons incorporated.} Israel Parsons, Ezra Baldwin, Peras Marshall, jun. Stephen Dodge, Chauncy B. Fowler, William Moore, Ephraim A. Judson, William Granger, Elibu Granger, Drake Mills, Elijah Deming, George W. Stores, Nicholas Ayrault, Sanford Brown, Samuel Chamberlin, Isaac Lee, William P. Stevens, Eliakim Hull, Jonathan Kilborn, Jabez Bosworth, Freeman Smith, John Manly, Asa Shelden, jun. Zenas Hyde, John Brigham, Elijah Catlin, John Dodge, Noah Church, James Sprague, and all such persons as shall associate with them and their successors, shall be a Corporation by the name of *The Sixteenth Massachusetts Turnpike Corporation*, with all the powers and privileges incident to Corporations, for the purpose of laying out and making a turnpike road, from the west line of *West-Springfield*, in the county of *Hampshire*, near a chefnut tree marked, about seventy rods eastward of *Moses Hays*, jun.'s dwelling-house in *Southwick*; thence westward, in the most convenient route, to *Edmund Barlow's* dwelling-house in *Granville*; thence westward, in the most convenient route, to the middle and west parish meeting-houses in said *Granville*; from thence, in the most convenient route, to the dwelling-house of *Sanford Brown*, in *Sandisfield*, in the county of *Berkshire*; from thence, in the most convenient route, to the meeting-house in said *Sandisfield*; from thence westward, in the most convenient route, to the west line of said *Sandisfield*, near a large gate in front of *Jabez Bosworth's* dwelling-house; from thence, in the most convenient route, to the turnpike road leading from *Hartford* to *Hudson*, near the meeting-house in *Sheffield*, and for keeping the same in repair; which road shall not be less than four rods wide in any place, and the path to be travelled on not less than eighteen feet wide: And that when said turnpike road shall be sufficiently made, and shall be secured with railing in dangerous places, and shall be so allowed and approved by the Justices of the Courts of Common Pleas for the counties of *Hampshire* and *Berkshire*, at any term thereof, then the said Corporation shall be authorized to erect two gates ^{Course of the road.} in the county of *Hampshire*, and two gates ^{Four gates to be erected.} in the county of *Berkshire*, on the same, in such places as the Justices of the Courts of Common Pleas in said counties of *Hampshire* and *Berkshire* shall determine; and shall be entitled to receive for each traveller and passenger, at each of said gates, the following rate of toll, viz. For every coach, phaeton, chariot, or other ^{Toll established.} four wheel carriage, drawn by two horses, *twenty-five cents*, and if drawn by more than two horses, an additional sum of *four cents* for each horse; for every cart or waggon, drawn by two oxen or horses, *ten cents*, and if drawn by more than two oxen or horses, the additional sum of *three cents* for each ox or horse; for every curricule, *twelve cents and five mills*; for every chaise, chair

chair or other carriage, drawn by one horse, *twelve cents and five mills*; for every man and horse, *five cents*; for every sled or sleigh, drawn by two oxen or horses, *seven cents*, and if drawn by more than two oxen or horses, an additional sum of *two cents* for each ox or horse; for every sled or sleigh, drawn by one horse, *five cents*; for all horses, mules, oxen or neat cattle, led or driven, besides those in teams and carriages, *one cent* each; for all sheep or swine at the rate of *three cents* per dozen: And whenever the said turnpike road is made and completed, from the said west line of *West-Springfield*, to the meeting-house in *Sheffield*, or any ten miles thereof, and approved by a Committee appointed by the Courts of General Sessions of the Peace for the respective counties of *Hampshire* and *Berkshire* for that purpose, then the said Corporation shall be authorized to erect a gate on the same, in such place as the said Committee shall judge necessary and convenient for collecting the toll, and shall be entitled to receive thereat, from each traveller or passenger, the same rate of toll as heretofore expressed: *Provided*, That if said Corporation shall neglect to finish and complete the whole of said road within the time hereinafter prescribed by this Act, then the said first mentioned gates shall be removed: *Provided also*, That the Corporation may, if they see fit, commute the rate of toll with any person, or the inhabitants of any town through which the said road passes, by taking of him or them a certain sum annually, to be mutually agreed upon in lieu of the toll aforesaid.

Proviso.

Corporation liable for damages in taking land.

SECT. 2. *And be it further enacted*, That the said Corporation may purchase and hold lands over which they may make said road; and the Justices of the Courts of General Sessions of the Peace in the counties where the said road is, are hereby authorized, on application of said Corporation, to lay out said road, or any part thereof within their respective jurisdictions, as with the consent of said Corporation they shall think proper: And the said Corporation shall be liable to pay all damages that shall arise to any person by taking his land for such road, when the same cannot be obtained by voluntary agreement, to be estimated by a Committee of the Court of General Sessions of the Peace in the county where such damage shall arise, saving to either party the right of trial by Jury, according to the law which makes provision for the recovery of damages arising from the laying out of highways.

Penalty for delaying passengers.

SECT. 3. *And be it further enacted*, That if the said Corporation, their toll-gatherers, or others in their employ, shall unreasonably delay or hinder any traveller or passenger at either of said gates, or shall demand or receive more toll than is by this Act established, the Corporation shall forfeit and pay a sum not exceeding *ten dollars* nor less than *one dollar*, to be recovered before

before any Justice of the Peace of the county where the offence shall be committed, by any person injured, delayed or defrauded, in a special action of the case; the writ in which case shall be served on said Corporation, by leaving a copy of the same with the Treasurer or any individual member, at least seven days before the day of trial; and the Treasurer of said Corporation, or any individual member, shall be allowed to defend the same suit in behalf of said Corporation: And the said Corporation shall be liable to pay all damages that shall happen to any person from whom the toll is demandable, from defect of bridges, or want of repairs in said road, and shall also be liable to presentment by the Grand Jury for not keeping the same in repair; and if the said road, or any part thereof, shall be suffered to be out of repair, the Justices of the Court of Common Pleas within and for the county wherein the same may lie, or a major part of them, or a Committee to be appointed for that purpose by said Justices, are hereby authorized to order said gates, or either of them, to be set open, said Justices or their Committee having previously notified the Clerk of said Corporation of complaint having been made of the badness of said road, at least ten days previously to the ordering them to be set open; and immediately upon the leaving such order in writing, under the hands of said Justices or their Committee, with the Clerk of the Corporation, the said gate or gates shall be opened, and no toll shall be legally demandable or taken thereat until the said Justices or their Committee shall grant a counter order:

Gates to be set open if the road is not kept in repair.

SECT. 4. *And be it further enacted*, That if any person shall cut, break down, or otherwise destroy or injure either of the said turnpike gates, or shall dig up or carry away any earth from said road, or any way damage the same, or shall forcibly pass, or attempt to pass by force either of said gates, without having first paid the legal toll at such gate, such person shall forfeit and pay a fine not exceeding *forty dollars* nor less than *two dollars*, to be recovered by the Treasurer of said Corporation to their use, in an action of trespass on the case: And if any person with his team, cart or horse, turn out of said road to pass either of the gates, and again enter the said road, with an intent to evade the toll due by virtue of this Act, such person shall forfeit and pay *one dollar*, to be recovered by the Treasurer of the Corporation to the use of the same, in an action of trespass on the case: *Provided*, That nothing in this Act shall extend to entitle the said Corporation to demand and receive toll from any person or persons who shall be passing with his horse or carriage to or from public worship, or with his horse, team or cattle, to or from his common labour on his farm, or to or from any grist-mill, or on the common and ordinary business of family concerns within

Penalty for injuring the road, and for evading the toll.

within the said town, or from any person or persons passing on military duty.

SECT. 5. *Be it further enacted*, That the shares in the said turnpike road shall be taken, deemed and considered to be personal estate to all intents and purposes, and shall and may be transferable; and the mode of transferring said shares shall be by deed, acknowledged before any Justice of the Peace, and recorded by the Clerk of the Corporation, in a book to be kept for that purpose: And when any share shall be attached on *mesne process*, or taken on execution, an attested copy of such writ of attachment or execution shall be left with the Clerk of the Corporation, otherwise the attachment or taking in execution shall be void; and such shares may be sold on execution in the same manner as is or may by law be provided for making sale of personal property on execution, the officer making the sale, or the judgment creditor, leaving a copy of the execution, and the officer's return on the same, with the Clerk of the said Corporation, within fourteen days after such sale, and paying for the recording of the same, shall be deemed and considered as a sufficient transfer of such share or shares in the said turnpike road.

SECT. 6. *Be it further enacted*, That the said Corporation is hereby empowered to grant monies to such persons as rendered services to the Proprietors in exploring the route of the turnpike road, or otherwise, previous to this Act of incorporation.

SECT. 7. *Be it further enacted*, That a meeting of said Corporation shall be held at the house of *Titus Fowler*, Esq. in *Granville*, on the second Monday in *May* next, for the purpose of choosing a Clerk, and such other officers as may then and there be agreed upon by the said Corporation, for regulating the concerns thereof; and that the said Corporation may then and there agree upon such method of calling meetings in future as they may judge proper.

SECT. 8. *Be it further enacted*, That the said Corporation shall, within six months after the said road is completed, lodge in the Secretary's office an account of the expenses thereof; and shall also annually exhibit to the Governor and Council a true account of the income or dividend arising from said toll, with their necessary annual disbursements on said road; and that the books of said Corporation shall at all times be subject to the inspection of a Committee to be appointed by the General Court, or to the inspection of the Governor and Council when called for.

SECT. 9. *Be it further enacted*, That whenever any Proprietor shall neglect or refuse to pay any tax or assessment duly voted and agreed upon by the Corporation, to their Treasurer, within sixty days after the time set for the payment thereof, the
Treasurer

Shares considered personal estate. Mode of transfer and of attachment.

Corporation to grant money to certain persons.

First meeting for choice of officers, &c.

A statement of expenses, &c. to be exhibited.

Treasurer of said Corporation is hereby authorized to sell at public vendue, the share or shares of such delinquent Proprietor, one or more, as shall be sufficient to defray said taxes and necessary incidental charges, after duly notifying in the newspapers printed in *Springfield* and *Stockbridge*, the sum due on such shares, and the time and place of sale, at least twenty days previous to the time of sale; and such sale shall be a sufficient transfer of the share or shares so sold to the persons purchasing; and on producing a certificate of such sale from the Treasurer to the Clerk of said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the books of the said Corporation; and such person shall be considered to all intents the Proprietor thereof, and the overplus, if any there be, paid on demand by the Treasurer, to the person whose share was thus sold.

Shares of delinquent Proprietors to be sold.

SECT. 10. *Be it further enacted*, That the said Corporation shall, at all the places where the said toll is collected, erect and keep constantly exposed to view, a sign or board, with the rates of toll of all the tollable articles fairly and legibly written or printed thereon in large or capital characters.

Sign-board to be erected.

SECT. 11. *Be it further enacted*, That the General Court may dissolve said Corporation, whenever it shall appear to their satisfaction, that the income arising from said toll shall have fully compensated the said Corporation for all monies they have expended in exploring, purchasing, taking care of, and repairing the said road, together with an interest thereon of *twelve per centum* by the year; and thereupon the property of the said road shall be vested in this Commonwealth, and be at their disposal: *Provided*, That if the said Corporation shall neglect to complete the said turnpike road for the space of five years from the passing of this Act, the same shall become void and of no effect.

General Court may dissolve the Corporation.

[This Act passed *February 14, 1803.*]

An ACT authorizing the Town of *Deerfield* to loan the Interest of certain Monies in the Treasury of said Town.

WHEREAS the inhabitants of the town of *Deerfield*, in the county of *Hampshire*, have petitioned this Court for liberty to put the interest of the obligations in their town treasury, sequestered for the use of the ministry in said town, upon interest, until there shall be a sufficient sum funded in addition to what is already sequestered for that purpose, to support the ministry therein:

SECT.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the inhabitants of the town of *Deerfield*, in their corporate capacity, are hereby empowered to put the interest of the obligations in their treasury as aforesaid, on interest, until there shall be a sufficient sum funded for the purpose aforesaid in manner following.

SECT. 2. *Be it further enacted by the authority aforesaid,* That the said inhabitants at their annual meeting in *March* or *April* be, and they hereby are empowered to choose by ballot suitable persons, freeholders and inhabitants of said town, not exceeding seven, nor less than three, who shall be a Committee, whose duty it shall be in behalf of said town, to put the monies arising from the interest of the obligations aforesaid, at interest as soon as may be, and secure the same by mortgage of real estate, or by one or more sufficient sureties with the principal, unless said Committee, or the major part of them, shall think it best to invest the same in public funded securities or bank stock, which they may do.

SECT. 3. *Be it further enacted,* That the interest arising from time to time on such monies, shall be annually, or oftener if practicable, put out at interest and secured in manner aforesaid, and also the interest accruing from the interest, until a fund shall be accumulated which shall yield yearly a sum sufficient for the purpose aforesaid.

SECT. 4. *And be it further enacted,* That as soon as an interest sufficient for the purpose aforesaid shall accrue, the said Committee, or the major part of them, shall forthwith apply the same for the annual support of the gospel ministry there; and so long as the said town, at any time, may be without a settled gospel minister, the annual interest aforesaid shall be put out at interest and secured as aforesaid, to increase the said fund, until there be a re-settlement of a minister as aforesaid; and it shall never be in the power of said town to alienate, or anywise alter the fund aforesaid.

SECT. 5. *And be it further enacted,* That the Committee for the services they may perform shall be entitled to no compensation out of any monies arising from the fund aforesaid, but if entitled to any, shall receive the same of said town, as may be mutually agreed on.

SECT. 6. *And be it further enacted,* That the said Committee if required, shall exhibit to the town, at their annual meeting in *March* or *April*, a regular and fair statement of their doings.

SECT. 7. *Be it further enacted,* That the said Committee, and each of them, shall be responsible to the town, for their personal negligence or misconduct, and liable to a suit for any loss.

That the inhabitants of the town of Deerfield, in their corporate capacity, are hereby empowered to put the interest of the obligations in their treasury as aforesaid, on interest, until there shall be a sufficient sum funded for the purpose aforesaid in manner following.

A Committee to be appointed for the purpose.

The interest to be annually put at interest.

The interest when sufficient to be applied to the support of the ministry.

Committee not to be paid from this fund.

Annual statement to be exhibited.

Committee responsible for negligence.

loss or damage arising thereby; the debt or damage recovered in such suit to be for the use aforesaid.

SECT. 8. *And be it further enacted*, That any sum or sums which may hereafter be bequeathed, given or legally sequestered for the purpose of supporting the ministry in said town, shall be considered as a part of the fund abovementioned, and be proceeded with in the same manner as is already provided.

Bequests, &c,
considered part
of the fund.

[This Act passed February 14, 1803.]

An ACT to establish a Corporation, by the Name of
The Portland Benevolent Society.

WHEREAS the Rev. Samuel Dean, D.D. together with a number of persons in the town of *Portland*, have contemplated the establishment of a Society in the said town, whose business shall be to relieve and assist those objects of compassion, whose circumstances may require relief in a manner different from that which is by law provided for the support and employment of the poor; comprehending therein the widow and the fatherless, the destitute and helpless stranger, and all who by sickness, infirmity or misfortune, may be reduced to indigence; and regarding the care of those fatherless children, whom poverty may deprive of an opportunity to obtain instruction and employment; and generally to exercise such acts of charity, hospitality and benevolence, as the funds of the Society shall allow; they having agreed to subscribe to a fund, the interest of which shall be applied to the purposes aforesaid, and have prayed to be incorporated:

Preamble.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Samuel Dean, Samuel Freeman, Timothy Hilliard, William Symmes, Robert Boyd, Joseph H. Ingraham, Daniel Horne, William Waterhouse, Peltiah Fernald, John Thresher, Jonathan Dean, Edward Cobb, Joseph Pope, Daniel Taber, Simon Dearborn, Benjamin Gage, Isaac Parker, Daniel Johnson, John Tabor, Shirley Erving, Isaac Ilsey, Nathaniel F. Foydick, Nathaniel Coffin, James D. Hopkins, Joshua Rogers, Lemuel Weeks, Elijah Kellogg, Salmon Chase, William Jenks, Benjamin Titcomb, Walter Simonton, Stephen Longfellow, jun. Peter Warren, John Hobart, Reuben Morton, John Thurlo, Hugh McLellan, Daniel Tucker, David Green, William Garbham, John Waite, Albert Newall, together with such as may hereafter be associated with them be, and they are hereby incorporated into a Society by the name of *The Portland Benevolent Society*, for the purposes abovementioned.

Names of persons incorporated.

SECT.

Empowered to
receive grants
and bequests.

SECT. 2. *And be it further enacted*, That the said *Samuel Dean*, and others above named, and their associates as aforesaid, shall be and remain a Body Corporate by the said name and title forever ; and may have a seal, which they may alter at their pleasure ; and the said Society shall be capable of receiving, and have power to receive, from any person or persons disposed to aid the benevolent purposes of this institution, any grants or devises of lands or tenements in fee simple, or less estate, and donations and bequests of money or other property, to be used and improved for the purposes aforesaid, or such other benevolent purposes as the donors may particularly direct.

— to hold real
estate.

SECT. 3. *And be it further enacted*, That the said Corporation shall be, and hereby are empowered to purchase and hold any real estate, other than what may be given as aforesaid, provided the value of the whole estate real and personal of said Society shall not exceed the sum of *thirty thousand dollars*.

May sue and
be sued.

SECT. 4. *And be it further enacted*, That the said Society may sue and be sued in their corporate capacity, and may appoint an agent or agents to prosecute and defend suits, with power of substitution.

Officers to be
chosen, and
rules established.

SECT. 5. *And be it further enacted*, That the said Society may choose a President, Vice-President, Secretary, Treasurer, Collector, Trustees or Managers, and such other officers as they shall see fit ; and make and establish such rules and by-laws, for the orderly conducting and executing the business of said Society, as to them shall appear necessary : *Provided*, the same be not repugnant to the Constitution or laws of this Commonwealth.

Real estate may
be sold.

SECT. 6. *And be it further enacted*, That the said Society may make sale of any real estate, given or purchased as aforesaid, (unless that which is given be otherwise expressly ordered or appropriated by the donor,) and convey the same by deed duly executed under the hand of the President and the seal of the Society : *Provided*, That all monies arising from such sale be applied to the same use to which the income thereof was before applicable.

Persons em-
powered to call
first meeting.

SECT. 7. *And be it further enacted*, That *Rev. Samuel Dean*, *Samuel Freeman*, Esq. *Rev. Timothy Hilliard*, or any two of them be, and hereby are authorized, by notification in the *Portland* newspapers, to call the first meeting of said Society, at such time and place as they shall judge proper ; at which meeting the Society may agree upon a form or forms of subscription for the fund aforesaid, and upon a method of calling future meetings ; and the said Society may meet annually, or oftener as they shall see fit.

[This Act passed February 15, 1803.]

An

An ACT to incorporate *John Pearson*, and others, into a Company by the Name of *The Merrimack Marine and Fire Insurance Company*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That John Pearson*, and others, and such persons as have already or hereafter shall become Stockholders in said Company, being citizens of the *United States*, be, and hereby are incorporated into a Company and Body Politic, by the name of *The Merrimack Marine and Fire Insurance Company*, for and during the term of twenty years after the passing this Act; and by that name may sue and be sued, plead or be impleaded, appear, prosecute and defend to final judgment and execution; and have a common seal, which they may alter at pleasure; and may purchase, hold and convey any estate, real or personal, for the use of said Company, subject to the restrictions hereinafter mentioned.

Term for which it is incorporated, &c.

SECT. 2. *Be it further enacted, That a share in the capital stock of the said Company shall be one hundred dollars*, and the number of shares shall not be less than one thousand nor more than two thousand; and if the said number of shares are not already filled, subscriptions shall be kept open, under the inspection of the President and Directors of the said Company, until the same shall be filled; and the whole capital stock, estate or property which the said Company shall be authorized to hold, shall never exceed *two hundred thousand dollars*, exclusive of premium notes or profits arising from said business, of which capital stock or property a sum not exceeding *thirty thousand dollars* shall be invested in real estate.

Amount shares.

Capital stock.

SECT. 3. *Be it further enacted, That the stock, property, affairs and concerns of said Company shall be managed and conducted by thirteen Directors*, one of whom shall be the President thereof, who shall hold their offices for one year, and until others shall be chosen, and no longer; which Directors shall, at the time of their election, be Stockholders, and citizens of this Commonwealth, and not Directors in any other Company carrying on the business of insurance, and shall be elected on the first Tuesday in *January* in each and every year, at such times of the day, and at such place in the town of *Newburyport* as a majority of the Directors for the time being shall appoint, of which election public notice shall be given in all the newspapers which are at the time printed in *Newburyport*, and continued for the space of twenty days immediately preceding such election; and such election shall be holden under the inspection of three Stockholders, not being Directors, to be appointed previous to every election by the Directors; and shall be made

Election of Directors.

by

No Stockholder
to give more
than 20 votes.

by ballot by a majority of votes of the Stockholders present, allowing one vote to each share in the capital stock: *Provided*, That no Stockholder shall be allowed more than twenty votes; and the Stockholders not present may vote by proxy; under such regulations as the said Company shall prescribe.

Choice of Pre-
sident.

SECT. 4. *Be it further enacted*, That the Directors so chosen shall meet as soon as may be after every election, and shall choose out of their body one person to be President, who shall preside for one year, and until another shall be chosen, and shall be sworn faithfully to discharge the duties of his office; and in case of the death, resignation or inability to serve of the President or any Director, such vacancy or vacancies shall be filled, for the year in which they may happen, by a special election for that purpose, to be held in the same manner as is herein before directed respecting annual elections for Directors and President.

Board to trans-
act business.

SECT. 5. *Be it further enacted*, That the President and six of the Directors, or seven of the Directors in the absence of the President, shall be a Board competent to transact business; and all questions before them shall be decided by a majority of votes; and they shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of said Company, and the transfer of shares, and touching the duties and conduct of the several officers, clerks and servants employed, and the election of Directors, and all such matters as appertain to the business of insurance; and shall also have power to appoint a Secretary, and so many clerks and servants for carrying on the said business; and with such salaries and allowances to them as to the said Board shall seem meet; *provided* such by-laws, rules and regulations shall not be repugnant to the Constitution or laws of this Commonwealth.

Secretary and
Clerks to be
appointed.

Compensation
of President.

SECT. 6. *Be it further enacted*, That the President shall not receive any compensation for his services, unless by consent of a majority of the Stockholders of said Company.

Director's
meetings.

SECT. 7. *Be it further enacted*, That there shall be stated meetings of the Directors at least once in every month, and as often within each month as the President and Board of Directors shall deem proper; and the President, and a Committee of three Directors, to be by him appointed in rotation, shall assemble daily, if need be, for the dispatch of business; and the said Board of Directors, and the Committee aforesaid, at and during the pleasure of the said Board, shall have power and authority on behalf of the Company, to make insurance upon vessels, freight, money, goods and effects, and against captivity of persons, and on the life of any person during his absence by sea,

What may be
insured.

sea, and in cases of money lent upon *bottomry* and *respondentia*; and when the capital stock or fund of said Company shall amount to the sum of *two hundred thousand dollars*, and not before, shall also be authorized to make insurance on any mansion-house or other building, and on the goods and property therein contained, against damage arising to the same by fire, originating in any cause except that of design in the insured; and to fix the premiums and terms of payment: And all policies of insurance by them made shall be subscribed by the President, or in case of his death, sickness, inability or absence, by any two of the Directors, and countersigned by the Secretary, and shall be binding and obligatory upon the said Company, and have the like effect and force as if under the seal of said Company; and the assured may thereupon maintain an action upon the case against the said Company; and all losses duly arising under any policy so subscribed, may be adjusted and settled by the President and Board of Directors, and the same shall be binding on the Company.

Subscription of policies.

SECT. 8. *Be it further enacted*, That it shall be the duty of the Directors, on the second Tuesday of *June* and *December* in every year, to make dividends of so much of the interest arising from the capital stock and profits of the said Company, as to them shall appear advisable; but the monies received, and notes taken for premiums on risks, which shall be outstanding at the time of making such dividends, shall not be considered as part of the profits of the Company: And in case of any loss or losses, whereby the capital stock of the Company shall be lessened, each Proprietor's or Stockholder's estate shall be held accountable for the deficiency that may be due on his share or shares at the time of said loss or losses taking place, to be paid into the said Company by assessments, or such other mode, and at such time or times as the Directors shall order; and no subsequent dividend shall be made, until a sum equal to such diminution shall have been added to the capital; and that once in every two years, and oftener if required by a majority of votes of the Stockholders, the Directors shall lay before the Stockholders, at a general meeting, an exact and particular statement of the profits, if any there be, after deducting losses and dividends.

Semi-annual dividends to be made.

Case of losses which diminish the capital.

SECT. 9. *Be it further enacted*, That the said Company shall not directly nor indirectly deal or trade in buying or selling any goods, wares, or merchandize, or commodities whatsoever; and the capital stock of said Company, after being collected at each instalment, shall, within six months after payment of each instalment, be invested either in the funded debt of the *United States*, or of this Commonwealth, or in the stock of the *United States*.

Corporation not to trade in goods, &c.

States' Bank, or of any incorporated Bank in this Commonwealth, at the discretion of the President and Directors of said Company, or of other officers which the Proprietors shall for such purposes appoint.

Payment of instalments.

SECT. 10. *Be it further enacted*, That fifty dollars on each share in said Company shall be paid within sixty days after the first meeting of the said Company, and the remaining sum due on each share within one year afterwards, at such equal instalments, and under such penalties as the said Company shall direct; and no transfer of any share shall be permitted, or be valid, until the expiration of one year after the first instalment shall have been paid.

Shares liable to attachment.

SECT. 11. *Be it further enacted*, That the property of any member of said Company, vested in the stock of said Company, shall be liable to attachment, and to the payment and satisfaction of his just debts, to any of his *bona fide* creditors, in manner following, viz. In addition to the summons by law prescribed to be left with the defendant, a like summons shall be left with the Secretary of said Company, and the debtor's share or shares in the said Company's funds, together with the interest and profits due, or growing due thereon, or so much thereof as shall be sufficient, shall thereby be held to respond said suit according to law, and all transfers of the debtor's shares not noted in the books of the Company, previous to the delivery of such summons, shall be barred thereby; and execution may be levied upon the property of any Stockholder in said Company, and his share or shares therein exposed to sale, in the same manner as is by law prescribed where personal estate is taken in execution; and it shall be the duty of the officer who extends such execution, to leave an attested copy thereof, with his doings thereon, with the Secretary of said Company; and the purchasers shall thereupon be entitled to the reception of all dividends and stocks which the debtor was previously entitled to; and upon any attachment being made, or execution levied on any shares in said Company, it shall be the duty of the Secretary of said Company to expose the books of the Company to the officer, and to furnish him with a certificate under his hand in his official capacity, ascertaining the number of shares the debtor holds in said Company, and the amount of the dividends due thereon.

Mode of attachments and execution.

Cases of losses affecting the capital.

SECT. 12. *Be it further enacted*, That in case of any loss or losses taking place, that shall be equal to the amount of the capital stock of the said Company, and the President or Directors, after knowing of such loss or losses taking place, shall subscribe to any policy of insurance, their estates jointly and severally shall be accountable for the amount of any and every loss that shall take place under policies thus subscribed.

SECT.

SECT. 13. *Be it further enacted*, That the President and Directors of said Company shall, previous to their subscribing any policy, and once in every year after, publish in all the newspapers printed at the time in *Newburyport*, the amount of their stock, against what risks they mean to insure, and the largest sum they mean to take on any one risk.

Statement of stock to be published.

SECT. 14. *Be it further enacted*, That the President and Directors of said Company shall, when, and as often as required by the Legislature of this Commonwealth, lay before them a statement of the affairs of said Company, and submit to an examination concerning the same under oath.

Statements to be laid before the Legislature.

SECT. 15. *And be it further enacted*, That *John Pearson* and *Josiah Smith* are hereby authorized to call a meeting of the members of said Company as soon as may be, in *Newburyport*, by advertizing the same for two weeks successively in the newspaper printed in said town, for the purpose of electing the first Board of Directors, who shall continue in office until the first Tuesday of *January* next following, and until others are chosen in their room.

Manner of calling first meeting.

[This Act passed February 15, 1803.]

An ACT in addition to the several Laws heretofore made for the Preservation of the Fish called Alewives, in *Mattapoisset River*, in *Rochester*, in the County of *Plymouth*, and for regulating the taking said Fish in said River.

March 1, 1788.
June 15, 1789.
Feb. 23, 1791.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That if any person shall take any of said fish, in said river, or in the brook running out of *Little Long Pond*, so called, into *Snipticet Pond*, in said *Rochester*, excepting the purchaser or purchasers of the exclusive right of taking said fish in said river, according to the laws now in force with regard to said river, and those who are employed by such purchaser or purchasers of said privilege, shall forfeit and pay *fourteen dollars* for each offence; to be recovered in the same manner, and to the same uses as are already provided in the laws now in force with regard to said river.

Penalty for illegally taking the fish.

SECT. 2. *And be it further enacted*, That if any purchaser of said privilege, or any person employed by such purchaser or purchasers, shall take any of said fish in said river, or in said brook, at any other place, or on any other day, than the places or days contained in such privilege, such purchaser or person shall for each such offence forfeit and pay the sum of *fourteen dollars*, to be recovered as aforesaid, for the uses aforesaid.

— for taking the fish at improper times & places.

SECT.

Opening
sluice-ways.

SECT. 3. *And be it further enacted*, That the owners of dams on said river shall continue their sluice-ways open, when opened by the Selectmen, until the twenty-fifth day of May annually, under the same penalty as is provided in said laws for not keeping them open until the twentieth day of May.

Passages for
the fish to be
opened.

SECT. 4. *And be it further enacted*, That the Selectmen of the said town of *Rochester* are hereby authorized to open, in each and every dam in said river, wherever they shall think proper, sufficient passages for the young fish to pass down said river; and if any person shall obstruct any such passage, so opened as aforesaid, without the consent of the Selectmen, shall for each offence forfeit and pay the sum of *fourteen dollars*, to be recovered as in said law is provided for taking fish contrary to law, and for the same use.

[This Act passed February 16, 1803.]

An ACT to divide the Town of *Pittston*, in the County of *Kennebeck*, and to incorporate the west Part thereof into a Town by the Name of *Gardiner*.

Boundaries.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the town of *Pittston*, in the county of *Kennebeck*, be, and the same hereby is divided into separate towns by *Kennebeck River*; and that the western part of said town, as described within the following bounds, to wit: Beginning on *Kennebeck River* aforesaid, at the north-easterly corner of the town of *Bowdoinham*; thence running up said river, on the middle thereof, to the south line of the town of *Hallowell*; thence west-north-west, on the aforesaid south line to *Cabbot's Contee Stream*; thence southerly, by the easterly margin of said stream, to the north-west corner of *Bowdoinham* aforesaid, which is on the southerly side of and near the outlet of *First or Pleasant Pond*; thence east-south-east, on the north line of said *Bowdoinham*, to the first-mentioned bounds, with the inhabitants thereon, be, and the same hereby are incorporated into a distinct town by the name of *Gardiner*.

Direction re-
specting the
taxes.

SECT. 2. *And be it further enacted*, That in all State taxes which shall be required of said towns, until a new general valuation shall be taken, the sum of *one dollar and fifty-three cents* on *one thousand dollars* with which the town of *Pittston* is now charged, shall be divided equally between said towns of *Pittston* and *Gardiner*.

Provision rela-
tive to the
debts, credits,
and monies.

SECT. 3. *And be it further enacted*, That the inhabitants of said town of *Gardiner*, and the non-resident proprietors of real or other estate therein, shall pay all arrears of taxes which have

have been legally assessed upon them by the town of *Pittston* prior to the passing of this Act; and in like manner shall they pay an equal proportion of all debts now due and owing from the said town of *Pittston*; and shall also be entitled to receive an equal dividend of all debts or monies now due to said *Pittston* from collectors or other persons.

SECT. 4. *And be it further enacted*, That the town magazine of military stores shall be estimated and equally divided between the said towns of *Pittston* and *Gardiner*; and in case there are any balances of money which has been raised by the town of *Pittston*, and apportioned to the school districts, for the education of children, now due to either of said districts in the town of *Gardiner*, the same shall be paid over by the Treasurer of said *Pittston* to the Treasurer of said *Gardiner*. Division of military stores.

SECT. 5. *And be it further enacted*, That the inhabitants of said towns of *Pittston* and *Gardiner* shall be chargeable in equal proportions with the expense of supporting the poor, who, at the time of passing this Act, are the proper charge of the town of *Pittston*; and if any person or persons heretofore belonging to the town of *Pittston* aforesaid, and having removed thence shall be returned thither again and become a public charge, the same shall be paid equally by the said towns of *Pittston* and *Gardiner*. Support of the poor.

Whereas there is a religious Society incorporated by the name of *The Episcopalian Society in Pittston*, consisting of members from various parts of said town; and the house of public worship being on the west side of *Kennebeck River*: And whereas doubts and disputes may arise in regard to the operation of this Act on said Society: Therefore,

SECT. 6. *Be it further enacted*, That this Act shall not extend, nor be construed to extend to the infringement or annulling in any manner or degree whatsoever, an Act, entitled, A certain Act not to be affected.
 "An Act to incorporate a number of the inhabitants of the town of *Pittston*, in the county of *Lincoln*, into a parish by the name of *The Episcopalian Society in Pittston*."

SECT. 7. *And be it further enacted*, That *Jedidiah Jewett*, Esq. be, and he hereby is empowered and required to issue his warrant, directed to some principal inhabitant of said town of *Gardiner*, requiring him to notify and warn the inhabitants of said town qualified to vote in town affairs, to assemble at such time and place in said town as shall be expressed in said warrant, to choose all such officers as other towns within this Commonwealth are by law authorized or required to choose in the months of *March* or *April* annually, and to transact such other matters and things as may be necessary and lawful at said meeting; and the officers chosen as aforesaid shall be qualified as other town officers are. Mode of calling first meeting.

[This Act passed February 17, 1803.]

An ACT in addition to an Act, entitled, "An Act for establishing a Turnpike Corporation within the Town of Scarborough."

June 24, 1802.

Course of the road.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the turnpike road heretofore granted by the said Act shall commence at a bridge near the dwelling-house of *Nathaniel Moses*; from thence to be continued across the upland and marsh in a south-westerly course, until it meets the present county road, near the dwelling-house of *John Alger Milliken*.

Rates of toll.

SECT. 2. *Be* it further enacted by the authority aforesaid, That as soon as the said turnpike road is completed, then the said Corporation shall be authorized and empowered to erect a turnpike gate on the same, in such manner and place as shall be necessary and convenient, and shall be entitled to receive from each traveller and passenger the following rate of toll, viz. For every coach, phaeton, chariot and other four-wheel carriage, *twenty-five cents*; for every curricule, *seventeen cents*; for every cart, waggon, sled or other carriage of burthen, drawn by two oxen or horses, *eight cents*, and if drawn by more than two, a further sum of *two cents* for every such ox or horse; for every chaise, chair, or other carriage, drawn by one horse, *twelve cents and an half*, and if drawn by more than one, a further sum of *two cents* for every such horse; for every man and horse, *six cents*; for every cart and horse, *eight cents*; for every sleigh drawn by one horse, *six cents*, and if drawn by more than one, a further sum of *two cents* for every such horse; for all horses, mules, oxen or neat cattle, exclusive of those rode on, or in carriages or teams, *two cents* each; for each foot traveller, *two cents*; for all sheep and swine, at the rate of *six cents* for one dozen: And to each team one person and no more shall be allowed as a driver to pass free of toll: *Provided*, That nothing in this Act shall extend to entitle the said Corporation to demand and receive toll of any person, inhabitant of the said town, who shall be passing with his horse or carriage to or from public worship, or with his horse, team or cattle to or from his common labour on his farm, or to or from any grist-mill, or on the common and ordinary business of family concerns, within the limits of said town, or from any person or persons passing on military duty.

Exemptions from toll.

Parts of former Act repealed.

SECT. 3. *Be* it further enacted, That so much of the first and third sections of the former Act aforesaid as are relative to the foregoing objects of the present Act, be, and are hereby repealed.

[This Act passed February 18, 1803.]

An

An ACT in addition to an Act, entitled, " An Act to incorporate *Joshua Shaw*, and others, for the Purpose of building a Bridge across *New-Meadow River*." Feb. 16, 1802.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Proprietors of said Bridge shall make and keep a convenient and sufficient draw or passage-way, at least eight feet wide, at some place in said Bridge proper for the passing and re-passing of vessels or boats by day and by night through the said Bridge; and that any person passing the same with his vessel or boat shall raise the said draw, and immediately after the passing of such vessel or boat let down the same, at his own expense.

[This Act passed February 19, 1803.]

An ACT to set off *Robert Hasty* from the Second, and to annex him and his Estate to the First Parish in *Scarborough*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Robert Hasty*, of *Scarborough*, in the county of *Cumberland*, with his estate, be, and is hereby set off from the second parish in *Scarborough*, and annexed to the first parish in the said town: *Provided* the said *Robert Hasty* shall pay his proportion of parish charges due from him to the said second parish prior to the date of this Act.

[This Act passed February 19, 1803.]

An ACT to divide the Town of *Harwich*, and to incorporate the northerly Part thereof into a separate Town by the Name of *Brewster*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the northerly part of *Harwich*, in the county of *Barnstable*, as described within the following bounds, with the inhabitants thereon, be, and they hereby are incorporated into a separate town by the name of *Brewster*: Beginning on the west, on the line of the town of *Dennis*, and at a point one mile south of a large oak tree, standing in or near said line of *Dennis*, which tree is on the south-west side of *Pine Pond*, so called; thence on a straight line, to the north-west corner of

Boundaries of
Brewster.

Hinkley's

Hinkley's Pond, so called; thence north-north-east, to *Bang's Pond*, so called, and to the middle thereof; thence through the middle of said *Bang's Pond*, crossing a narrow beach, into *Long Pond*, so called; thence through the middle of said *Long Pond*, crossing several narrow beaches or chains of ponds, through the middle, and to the easterly end of the same; thence on a straight line, to a rock on *Pleasant Bay*, so called, which rock is in the line between *Harwich* and *Orleans*; thence in the line of *Orleans*, to *Barnstable Bay*; thence with the bay, to the line of *Dennis*; thence in the line of *Dennis*, to the bounds first mentioned; and the said town of *Brewster* is hereby vested with all the powers and privileges, rights and immunities, and subject to all the duties to which other towns are entitled and subjected by the Constitution or laws of this Commonwealth.

Certain inhab-
itants allowed
to remain to
Harwich.

SECT. 2. *And be it further enacted*, That the remonstrants to this Act of incorporation, who live in the north parish, together with such widows who live therein, and who shall request it, shall have liberty to remain, with their families and estates, to the town of *Harwich*, by leaving their names in the Secretary's office at any time within two years from the date of this Act of incorporation, certifying that such is their intention; and any person shall be considered a remonstrant, within the meaning of this Act, who has heretofore signed a written remonstrance or petition, directed to the General Court at this or any former session, against the division of the town of *Harwich*, and if the original paper so signed is not to be found, the affidavit of such remonstrant, that he or she did so sign the same, shall be sufficient evidence of the fact: *Provided nevertheless*, That the Constables of the town of *Harwich* and *Brewster* shall have concurrent authority to serve any writ or process, to either of them directed, on the lands within the limits of the town of *Brewster*, so remaining to the said town of *Harwich* aforesaid.

Proviso.

Provision re-
specting taxes.

SECT. 3. *And be it further enacted*, That State taxes, levied on the two towns aforesaid, previous to the expiration of the two years aforesaid, shall be assessed in equal portions between the two towns, and after the expiration of said term in such proportion as shall then result from the removal of polls and estates from the north parish to the south.

Town's lands,
&c.

SECT. 4. *And be it further enacted*, That town lands, and ministerial property owned by said town, shall be equally divided between the two towns.

Debts and cre-
dits.

SECT. 5. *And be it further enacted*, That all debts due to or from said town shall be divided between the two towns in proportion to the State valuation; and the poor of said town with which it is now chargeable, together with such poor as have removed out of said town prior to this Act of incorporation, but who may hereafter be lawfully returned to said town of

Harwich

Harwich for support, shall be divided between the two towns in proportion as they pay in the State valuation.

SECT. 6. *And be it further enacted*, That *Ebenezer Bacon*, Esq. be, and he is hereby authorized to issue his warrant, directed to some suitable inhabitant of the said town of *Brezefer*, requiring him to notify and warn the inhabitants of the said town, qualified by law to vote in town affairs, to meet at such time and place as shall be expressed in the said warrant, to choose all such officers as other towns within this Commonwealth are required by law to choose in the months of *March* or *April* annually; and the officers so chosen shall be qualified as other town officers are.

First meeting how to be called.

[This Act passed February 19, 1803.]

An ACT to incorporate a Number of the Inhabitants in the Town of *Buxton*, in the County of *York*. into a distinct Religious Society, by the Name of *The First Baptist Society in Buxton*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Nathan Elden, Jonathan Berry, Joseph Burnell, William Bangs, Josiah Harmon, Samuel Berry, Joseph Atkinson, John Atkinson, jun. Samuel Tibbets, Jeshua Decker, Dominicus Harmon, Humphrey Atkinson, Chase Parker, Abner Woodsam, John Edgerly, Joseph Rankins, Jabisb Sawyer, Thomas Berry, jun. Benjamin Leavitt, John Appleton, John Warren, Jacob Thompson, Joseph Thompson, John Atkinson, Ephraim Woodman, John Dennet, Moses Woodman, Theodore Atkinson, Clement Dennet, Stephen Prescott, Thomas Atkinson, Gibeon Elden, Samuel Knight, Thomas Smith, Mark Rounds, William Merrill, Levi Cole, Jeshua Hutchinson, Jacob Derbon, John Chamberlain, Benjamin Bradbury, Joseph Hobson, Brue Boothby, Thomas Merrill, John Thompson, Jabez Bradbury, Jonathan Martin, Theodore Elwell, Thomas Harman, Thomas P. Sawyer, Samuel Hobson, Nathan Elden, jun. John Rolf, John Came, Jabez Sawyer, jun. John Palmer, Jacob Palmer, Benjamin Elwell, Samuel Sands, David Libby, Abel Knight, Nelson Fogg, John Rolf, jun. Lemuel Nutter, Abraham Woodsam, Josiah Libby, and Samuel Thompson*, with their families and estates, together with such other of the inhabitants of the said town of *Buxton*, as have or may hereafter at any time on or before the first day of *April*, in the year of our Lord one thousand eight hundred and five, associate themselves for that purpose in the manner hereinafter described, be, and hereby are incorporated into a religious Society, by the name of *The*

Names of persons incorporated.

First

First Baptist Society in Buxton, with all the powers, privileges and immunities to which other parishes in this Commonwealth are by law entitled.

Mode of becoming a member of this Society.

SECT. 2. *Be it further enacted by the authority aforesaid*, That any person or persons in the town aforesaid, being of the Baptist denomination aforesaid, who may actually become a member of, and unite in religious worship with the Society aforesaid, within the time limited in the first section of this Act, by giving in his or her name to the Clerk of said town, with a certificate signed by the Minister or Clerk of said Society, that he or she has actually become a member of, and united in religious worship with the Society aforesaid, shall, from and after giving in such certificate, with his or her polls and estate, be considered as a part of said Society: *Provided however*, That such person or persons shall be held to pay their proportion of all monies assessed in the said town previous to that time.

Meeting how to be called.

SECT. 3. *Be it further enacted*, That *John Woodman*, Esq. or some other Justice of the Peace in said county of *York*, be, and hereby is authorized and empowered to issue his warrant, directed to some suitable member of the said Society, requiring him to notify and warn the members of the said Society to meet at such time and place as shall be appointed in said warrant, to choose such officers as parishes in this Commonwealth are by law entitled, in the months of *March* or *April* annually.

[This Act passed *February 21, 1803.*]

An ACT to enable the Town of *Medford* to dispose of the Privilege of taking Fish, called Shad and Alewives, in *Mistick River*, within the Limits of said Town, and to regulate the same.

Authorized to sell the privilege of taking the fish.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That it shall and may be lawful for the town of *Medford*, in the county of *Middlesex*, annually, at any legal meeting of the inhabitants of said town, to sell or otherwise dispose of the privilege of taking fish in *Mistick River*, within the limits of said town, so far as said town bounds on both sides of said river, at such times only as is already provided, by the law to prevent the destruction of shad and alewives in said river, and the emolument arising from said privilege shall be appropriated by said town, to such purposes and uses as the inhabitants thereof shall in town meeting from time to time determine.

SECT. 2. *And be it further enacted*, That if the purchaser or purchasers, manager or managers, or those employed by them, shall

shall presume to take any of the said fish at any other place in said town, than shall be by said town determined; and if any other person or persons whatever, except the purchaser or purchasers, manager or managers of said privilege or those employed by them, shall presume to take or catch any of the said fish in *Mistick River*, within the town of *Medford*, otherwise than may be by said town determined, he or they so offending, shall for each offence, forfeit and pay a sum not exceeding *thirteen dollars*, nor less than *two dollars*, at the discretion of the Justice before whom the same shall be tried.

Penalty for taking the fish otherwise than the town directs.

SECT. 3. *And be it further enacted*, That the said town of *Medford* shall, at their annual meeting in *March* or *April*, choose a Committee, not exceeding seven nor less than three freeholders of said town, who shall be sworn to the faithful discharge of their duty, enjoined upon them by this Act, and also the Act to prevent the destruction of shad and alewives in *Mistick River*, within the towns of *Cambridge*, *Charlestown* and *Medford*: And it shall be the duty of said Committee to cause the natural course of said river to be kept open and without obstruction, during the whole time the said fish pass up or down said river, and remove any such as may be found therein; and the said Committee, or any two of them, paying a reasonable compensation therefor, if demanded, shall have authority in discharging the duties enjoined upon them by this Act, to go on the lands of any person, bounding on said river, without being considered trespassers; and any person who shall molest or hinder said Committee, or either of them, in the execution of their duty, he or they so offending, shall forfeit and pay for every such offence, a sum not exceeding *ten dollars*, nor less than *two dollars*, at the discretion of the Justice before whom the same shall be tried.

Fish Committee to be chosen; their powers and duties.

SECT. 4. *And be it further enacted*, That it shall be the duty of the said Committee to prosecute all breaches of this Act, and for any two of them, to seize and detain in their custody, any net or seine which may be found in the hands of any person using the same contrary to the true intent and meaning of this Act, until the person so offending make satisfaction for his offence, or is legally acquitted therefrom; and also to seize to the use of the town, all such fish as they shall suspect to have been taken contrary to the provisions of this Act, unless the person in possession thereof can give satisfactory evidence to such Committee, that said fish were lawfully taken.

—to prosecute, &c.

SECT. 5. *And be it further enacted*, That the penalties incurred by any breach of this Act, shall be recovered by an action on the case, before any Justice of the Peace within said county, allowing an appeal to the Court of Common Pleas of said

Recovery and appropriation of fines.

said county; and all sums of money recovered as forfeited by this Act, shall be for the support of the poor of said town; and no person, by reason of his being one of the said Committee, shall be thereby disqualified from being a witness in any prosecution for a breach of this Act.

[This Act passed February 21, 1803.]

An ACT for incorporating certain Persons for the Purpose of building a Bridge over *Connecticut River*, between the Towns of *Springfield*, and *West-Springfield*, and for supporting the same.

Preamble.

WHEREAS a Bridge over *Connecticut River*, between the towns of *Springfield*, and *West-Springfield*, in the county of *Hampshire*, would be of public convenience; and whereas *John Hooker* and others have presented a petition to this Court, praying for liberty to build the same, and to be incorporated for that purpose:

Names of persons incorporated.

SECT. 1. Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *John Hooker*, *George Bliss*, *Joseph Williams*, *Samuel Fowler*, *William Shelden*, *Jonathan Dwight*, *Thomas Dwight*, *James Scutt Dwight*, *William Smith*, *William Pynchon*, *Jonathan Smith*, jun. *Jere Stebbins*, *Seth Lathrop*, *Samuel Lathrop*, *Justin Ely*, jun. *Solomon Stebbins*, *Peletiah Bliss*, *Reuben Sikes*, *Thaddeus Leavitt*, *Jacob Bliss*, *Alexander Bliss*, *Zebina Stebbins*, *George Blake*, *Justin Lombard*, and *Eleazer Williams*, with such other persons as already have associated, or may hereafter associate with them, be, and they are hereby made and constituted a Corporation and Body Politic, by the name of *The Proprietors of the Springfield Bridge*; and by that name may sue and be sued to final judgment and execution, and do and suffer all matters, acts and things which Bodies Politic may or ought to do and suffer; and the said Corporation shall and may have and use a common seal, and the same may break and alter at pleasure.

How the first meeting is to be called.

SECT. 2. And be it further enacted by the authority aforesaid, That any three of the persons abovenamed may warn and call a meeting of the Proprietors aforesaid, to be holden at any convenient time and place, by publishing the same three weeks successively in the *Federal Spy*, published in *Springfield* aforesaid, the last publication to be one week prior to such time of meeting, and the said Proprietors, by a vote of the majority of those present or represented at said meeting, allowing one vote to and for each single share in all cases, (*Provided however*, That no one Proprietor shall be allowed more than twenty votes,) shall choose

choose a Clerk who shall be sworn to the faithful discharge of said office, and shall also agree on a method of calling future meetings, and at the same or some subsequent meeting or meetings, may elect such officers, and make and establish such by-laws and rules, as to them shall seem necessary or convenient for the regulation and government of the said Corporation for the carrying into effect the purposes aforesaid, and for collecting the toll hereinafter granted and established, and may annex penalties to the breach of any by-laws not exceeding *five dollars* : And all representations at said meetings shall be filed with the Clerk of said Corporation ; and this Act, and all rules, regulations and proceedings shall be fairly and truly recorded by said Clerk in a book or books to be provided and kept for that purpose.

By-laws to be made.

SECT. 3. *Be it further enacted*, That the said Proprietors be, and they hereby are authorized and empowered to erect a Bridge over *Connecticut River*, between the towns of *Springfield* and *West-Springfield*, in the county of *Hampshire*, at any place between the mouth of *Agawam River* and the mouth of *Plain Brook*, so called ; and said Bridge shall be well built, with suitable materials, at least twenty-eight feet wide, and covered with planks, with sufficient rails on each side, and boarded up sixteen inches high from the floor of said Bridge, for the safety of passengers travelling thereon ; and the same shall be kept in good repair at all times : *Provided*—and for the purpose of reimbursing the Proprietors the money by them expended in building and supporting said Bridge,

Where & how the Bridge is to be built.

SECT. 4. *Be it further enacted*, That a toll be, and hereby is granted and established for the sole benefit of the said Proprietors, according to the rates following, viz. For each foot passenger, *three cents* ; for each horse and rider, *seven cents* ; for each horse and chaise, chair or sulkey, *sixteen cents* ; for each coach, chariot, phaeton or other four wheeled carriage for passengers, *thirty-three cents* ; for each curricule, *twenty-five cents* ; for each sleigh, drawn by one horse, *ten cents*, and if drawn by more than one horse, *twelve cents and five mills* ; for each cart, sled or other carriage of burthen, drawn by one beast, *ten cents*, if drawn by two beasts, *sixteen cents* ; and if by more than two beasts, *twenty cents* ; for each horse without a rider, and for neat cattle, *three cents* each, and for sheep and swine, *one cent* each ; and one person and no more shall be allowed to each team as a driver to pass free of toll : *Provided* nevertheless, That the toll to be received for teams of two or more beasts, with carts or other carriages, and loads not exceeding thirty hundred weight, belonging to inhabitants of either of said towns of *Springfield* or *West-Springfield*, passing said Bridge to or from the lands of said inhabitants, in either

Toll established.

Provide.

of

Continuance of
toll.

of said towns, for transporting the produce of said lands, or for cultivating the same lands, shall be only *twelve cents five mills* : *Provided also*, That all embodied companies of militia, who shall have occasion to pass said Bridge, to perform military duty, shall pass free of toll ; and the toll shall commence on the day of the first opening of said Bridge, and shall continue for the term of seventy years ; and at the place where the toll shall be received, there shall be erected and constantly exposed to view a sign-board, with the rates of toll fairly and legibly written or printed thereon in large letters ; and the said Corporation, at the time of the opening of said Bridge, shall cause a true and just account of the expenses thereof, and at the end of every three years thereafterwards, a just and true account of all receipts and disbursements, to be returned into the office of the Secretary of this Commonwealth : And after fifty years from the opening said Bridge, the General Court may regulate the rates of toll receivable thereat.

Toll may be
again regulat-
ed.

Bridge to be
built within 6
years.

SECT. 5. *And be it further enacted*, That if the said Proprietors shall neglect, for the space of six years from the passing of this Act, to build and erect said Bridge, then this Act to be void and of no effect.

[This Act passed *February 22, 1803.*]

An ACT to incorporate certain Persons as Trustees of a Free Grammar School in the Town of *Monmouth*, and County of *Kennebeck*.

Preamble.

WHEREAS Lady *Elizabeth Temple* and others have subscribed *fifteen hundred dollars* or more, for the purpose of erecting and supporting a free grammar school in the town of *Monmouth* and county of *Kennebeck* : And whereas it appears to this Court that the said town of *Monmouth* is a suitable place for such an institution : Therefore,

Trustees'
names.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That there be, and hereby is established in the town of *Monmouth* afore said, a free grammar school, by the name of *Monmouth Free Grammar School*, for the purpose of promoting piety, religion and morality, and for the education of youth in such languages and such of the liberal arts and sciences as the Trustees of said Free Grammar School shall direct ; and that the following persons, viz. The Rev. *Jonathan Balden*, *Dudley Bradstreet Hobart*, Esq. *John Chandler*, Esq. *Matthias Blessin*, *Isabod Baker*, *Joseph Norris*, *Luther Robbins*, *John Boles*, and *Seth Howard*, be, and hereby are incorporated into a Body Politic by the name of
The

The Trustees of the Monmouth Free Grammar School; and that they and their successors shall be and continue a Body Politic and Corporate by the same name forever.

SECT. 2. *Be it further enacted*, That all monies, lands or other property, and things already given, or which shall hereafter be given, granted, devised, bequeathed, transferred or assigned to the said Trustees for the purpose aforesaid, shall be confirmed to the said Trustees and their successors in that trust forever; and that the said Trustees may have and hold in fee simple, by gift, grant, devise, bequest, or otherwise, any lands, tenements, hereditaments, or other estate, real or personal: *Provided* the annual income thereof shall not exceed the sum of *four thousand dollars*; and may sell and dispose of the same, and apply the rents and profits thereof in such a manner as that the end and design of the institution may be promoted.

Empowered to receive donations.

SECT. 3. *Be it further enacted*, That the said Trustees shall have power from time to time to elect such officers of said Free Grammar School as they shall judge necessary, and to fix the tenure of their respective offices—to remove any Trustee from the Corporation when in their opinion he shall be incapable, by reason of age or otherwise, of discharging the duties of this office—to fill all vacancies in the said Corporation by electing such persons for Trustees as they shall think suitable—to determine the times and places of their meetings, the manner of notifying the Trustees, and the method of electing and removing Trustees—to prescribe the powers and duties of their several officers—to elect Preceptors and Teachers of said Free Grammar School, and to determine their powers and duties, and to fix the tenure of their offices—and to make and ordain reasonable rules, orders and by-laws, not repugnant to the laws of this Commonwealth, with reasonable penalties, for the good government of said Free Grammar School.

Power of the Trustees.

SECT. 4. *Be it further enacted*, That the said Trustees may have one common seal, which they may at pleasure break, alter and renew; and that all deeds signed and sealed with their seal, and acknowledged by the Treasurer or Secretary of said Corporation, by order of the said Trustees, shall be good and valid in law; and that the said Trustees may sue and be sued in all actions real, personal and mixed, and prosecute and defend the same to final judgment and execution, by the name of *The Trustees of the Monmouth Free Grammar School*.

Common seal to be affixed to deeds, &c.

SECT. 5. *Be it further enacted*, That the number of said Trustees shall not, at any one time, be more than eleven or less than seven; five of whom shall constitute a quorum to do business; and that a majority of said Trustees shall consist of men who are not inhabitants of said town of *Monmouth*.

Number of Trustees limited.

SECT.

Land granted. SECT. 6. *Be it further enacted*, That there be, and is hereby granted to the said Trustees and their successors forever, for the use of the said Free Grammar School in *Monmouth*, fifteen hundred acres of any of the unappropriated lands of this Commonwealth in the District of *Maine*, excepting the ten townships on the *Penobscot River* purchased of the Indians; to be laid out and assigned by the Agents who now are, or hereafter may be appointed to complete contracts for the sale of eastern lands.

First meeting. SECT. 7. *Be it further enacted*, That the Hon. *Nathaniel Dummer*, Esq. be, and hereby is authorized to fix the time and place for holding the first meeting of said Trustees, and to notify them thereof accordingly.

[This Act passed February 22, 1803.]

An ACT to authorize the Religious Societies therein mentioned to increase the Taxes on their Pews.

WHEREAS the religious Society in *Boston* called *The First Church* there, worshipping at a meeting-house called *The Old Brick*, and the religious Society in *Boston* called *The Church in Brattle-Square*, worshipping at the meeting-house in said square, have petitioned for an increase of power in taxing their pews: Therefore,

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the religious Societies before herein described shall be, and hereby are authorized severally to assess on the pews in their respective meeting-houses, such taxes as they, from time to time, shall find necessary for the maintenance of public worship and other parochial charges; and that the said Societies shall have full power, on the non-payment of the taxes so assessed, to sell the pews on which the same shall be assessed, for the payment thereof, observing the rules and regulations of the laws in being for selling pews in *Boston* for the payment of taxes: *And provided always*, That the assessment made by said Societies on pews shall be at meetings duly warned according to law, and all the proceedings touching such taxes shall be conformed to the laws in being for governing taxes of that nature in the said town of *Boston*: *Saving nevertheless* to each of said Societies and the Proprietors of pews, any rights reserved to either regarding such pews, or any private contract subsisting between them.

[This Act passed February 22, 1803.]

An ACT to establish an Academy at *Lenox*, in the County of *Berkshire*.

Named *Lenox Academy* by Act June 15, 1803.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That an Academy for the instruction of youth in learning, virtue and religion, be, and hereby is established at *Lenox*, in the county of *Berkshire*, by the name of *The Berkshire Academy*.

Establishment of the Academy.

SECT. 2. *And be it further enacted,* That the Hon. *William Walker*, the Rev. *Samuel Shepard*, *Azariah Egleston*, Esq. *Joseph Goodwin*, Esq. *Eldad Lewis*, Esq. *Capt. Enos Stone*, and *Doct. Caleb Hyde*, of *Lenox*; the Rev. *Ephraim Judson*, of *Sheffield*; the Rev. *Jacob Catlin*, of *New-Marlborough*; the Hon. *Thomas Ives*, of *Great-Barrington*; the Hon. *Barnabas Bidwell*, of *Stockbridge*; the Hon. *Nathaniel Bishop*, of *Richmond*; the Rev. *Thomas Allen*, *Simon Larned*, Esq. and *Joshua Danforth*, Esq. of *Pittsfield*; and *Joseph Whiton*, Esq. of *Lee*, be, and they hereby are constituted a Body Corporate by the name of *The Trustees of Berkshire Academy*; and they and their successors shall continue a Corporation by that name forever, with power to have a common seal, to contract, to sue or be sued, and prosecute or defend suits, by their agent or agents appointed for that purpose, to take, hold and improve any estate, real or personal, and the same to lease, exchange, or sell and convey, for the benefit of the said Academy, by deed or deeds, duly executed by their Treasurer or other officer or agent, being thereunto authorized by the said Corporation: *Provided*, That the annual income of the whole estate of the said Corporation shall not exceed *five thousand dollars*.

Names of Trustees.

—, their powers.

SECT. 3. *And be it further enacted,* That the said Trustees shall have power from time to time to appoint a Clerk, who shall be under oath, and a Treasurer, who shall give bond for the faithful discharge of his trust, and such other officers, and such instructors and governors of the said Academy, as the said Trustees may judge needful and proper; and also to determine the times and places of their meetings, the mode of warning the same, of electing officers and Trustees, and of transacting all other business; and to ordain necessary and reasonable orders, regulations and by-laws, for the instruction and government of the said Academy, not repugnant to the Constitution and laws of this Commonwealth.

Clerk and Treasurer to be appointed.

SECT. 4. *And be it further enacted,* That whenever any of the said Trustees shall die or resign, or by age, infirmity or otherwise become incapable of discharging his said trust in the judgment

Trustees may judgment of the major part of the said Trustees, the survivors
be elected. may fill such vacancy by electing a successor.

SECT. 5. *And be it further enacted*, That the number of the
Number of the said Trustees shall not at any time be more than sixteen nor
Trustees. less than nine; five of whom shall constitute a quorum for
the transaction of business; and all questions shall be decided
by the votes of a major part of the Trustees present; and in
case of an equal division by the casting vote of the presiding
Trustee.

SECT. 6. *And be it further enacted*, That there be, and here-
by is granted to the said Trustees and their successors, for the
Land granted. use of the said Academy, one half a township of six miles
square of any of the unappropriated lands of this Common-
wealth in the District of *Maine*, (except the ten townships on
Penobscot River purchased of the Indians,) to be laid out and
assigned by the Agents for the Commonwealth's lands, under
the usual restrictions and regulations of similar grants: *Provi-*
ded, That the said Committee shall not proceed to lay out and
assign said half township of land, until it shall be certified to
them by the Justices of the Court of Common Pleas within
and for said county of *Berkshire*, or the major part thereof, that
the estate vested in and secured to the said Trustees is, at the
time of such certificate, of the value of *three thousand dollars*.

SECT. 7. *And be it further enacted*, That the Hon. *William*
First meeting Walker. be, and he hereby is authorized to appoint the time
of the Trustees. and place and purposes of the first meeting of the said Trus-
tees, and give them notice thereof.

[This Act passed February 22, 1803.]

An ACT to establish a Corporation by the Name of *The Wiscasset and Augusta Turnpike Corporation.*

SECT. 1. *BE it enacted by the Senate and House of Representa-*
tives, in General Court assembled, and by the author-
ity of the same, That *John Anderson, Francis Anderson, Jeremiah*
Bailey, Thomas Bond, Thomas Boyd, William M. Boyd, Alden Brad-
ford, Edmund Bridge, Nathaniel Bridge, James Bridge, William
Brooks, Moses Carlton, jun. Orchard Cook, Francis Cook, Joseph
Christophers, Daniel Cony, Samuel Cony, 2d. George Crosby, John
Davis, Robert Elwell, John Gage, Joshua Gage, Theophilus Ham-
len, Henry Hodge, John Hodge, William Howard, Samuel Howard,
John Jones, Silas Lee, Arthur Lithgow, Thomas M'Crate, John
Merrill, jun. Samuel Miller, William Nickels, Thomas Nickels,
Joseph North, David Payson, David Payson, jun. William Pike,
William Pitt, William Robinson, Henry Sewall, Manasseh Smith,
Nymphas Stacy, Samuel Titcomb, Peter Thacher Vose, Ebenezer
Whittier,

Names of per-
sons incorpora-
ted.

Whittier, Benjamin Whitwell, Abiel Wood, jun. and Samuel Waters, together with such others as may hereafter associate with them and their successors, shall be a Corporation by the name and style of *The Wiscasset and Augusta Turnpike Corporation*, with all the powers and privileges usually given and belonging to similar Corporations, for the purpose of laying out, making and keeping in repair a turnpike road, between the court-house, in *Wiscasset*, at or near *Smith's* house, at the ferry in *Pittston*; and from thence to the bridge at *Augusta*, upon as straight a line as circumstances will admit; which turnpike road shall not be less than four rods wide, and the part to be travelled on not less than twenty-two feet in width in any part thereof; and when said road shall be sufficiently made, and shall be allowed and approved by a Committee appointed by the Courts of General Sessions of the Peace for each of the counties of *Lincoln* and *Kennebeck*, for that purpose: (*Provided*, That no member of either of the said Committees shall have any share or interest in the said turnpike, and shall judge only of the portion of the said turnpike in the counties in which they reside;) then the said Turnpike Corporation shall be authorized to erect turnpike gates on the said road, at such places as the said Committee of the said Court of Sessions, and the said Corporation shall judge necessary and convenient for collecting the toll: *Provided*, That no turnpike gate be erected on, or any toll demanded on any part of the present travelled roads; the said gates to be not less than ten miles distance from each other, and shall be entitled to receive of each traveller or passenger, at each of the said gates, the following rates of toll, viz. For each coach, phaeton, chariot or other four wheel carriage, drawn by two horses, *twenty-five cents*, and if drawn by more than two horses, an additional sum of *four cents* for each horse; for every cart or waggon, drawn by two horses or oxen, *ten cents*, and if drawn by more than two oxen or horses, an additional sum of *three cents* for each ox or horse; for every curricule, *fifteen cents*; for every chaise, chair or other carriage, drawn by one horse, *twelve cents*; for every man and horse, *six cents*; for every sled or sleigh, drawn by two oxen or horses, *eight cents*, and if drawn by more than two oxen or horses, an additional sum of *two cents* for each ox or horse; for every sled or sleigh, drawn by one horse, *six cents*; for all horses, mules, oxen or neat cattle, led or driven, besides those in teams or carriages, *one cent* each; for all sheep or swine at the rate of *three cents* for one dozen: *Provided*, That said Corporation may, if they see cause, commute the rate of toll with any Corporation, person or persons, by taking of him or them a certain sum annually, to be mutually agreed on in lieu of the toll aforesaid: And the said Corporation, at each place where the toll shall be collected,

Corporate name.

Course of the road.

Turnpike gates to be erected, with a

Proviso.

Toll established.

Sign-board to be erected. shall erect in a conspicuous place, and constantly keep exposed to open view, a sign or board, with the rates of toll of all the tollable articles fairly and legibly written thereon in large or capital characters.

Corporation allowed to hold land. SECT. 2. *And be it further enacted*, That the said Corporation may purchase and hold land over which they may make said road; and the Justices of the Court of General Sessions of the Peace in the counties of *Lincoln* and *Kennebeck*, are hereby authorized, on application of the said Corporation, to lay out the said road, or any part thereof, within the said counties of *Lincoln* and *Kennebeck*, as with the consent of the said Corporation they shall think proper: And the said Corporation shall be liable to pay all damages that may arise to any person by taking his land for such road, where the same cannot be obtained by voluntary agreement, to be estimated by a Committee appointed by the Court of General Sessions of the Peace of the county wherein the said land lieth, saving to either party the right of trial by Jury, according to the law which makes provision for the recovery of damages arising from the laying out of highways.

Penalty for delaying travellers. SECT. 3. *And be it further enacted*, That if the said Corporation, or their toll-gatherers, or others in their employ, shall unreasonably delay or hinder any traveller or passenger at either of the said gates, or shall demand or receive more toll than is by this Act established, the Corporation shall forfeit and pay a sum not exceeding *ten dollars* nor less than *two dollars*, to be recovered before any Justice of the Peace of the county where the offence shall be committed, by any person injured, delayed or defrauded, in a special action of the case; the writ in which shall be served on the Corporation, by leaving a copy of the same with the Treasurer, or with some individual member living in the county where the action may be brought, or by reading the same to the said Treasurer or individual member, at least seven days before the trial; and the Treasurer of the said Corporation, or individual member, shall be allowed to defend the same suit in behalf of the said Corporation; And the said Corporation shall be liable to pay all damages which may happen to any person from whom the toll is demandable, for any damage which shall arise from defect of bridges or want of repairs in the said way; and shall also be liable to presentment by the Grand Jury, for not keeping the same in good repair.

Corporation liable for damages by defect of bridges, &c.

SECT. 4. *And be it further enacted*, That if any person shall cut, break down or otherwise injure or destroy either of the said turnpike gates, or shall dig up or carry away any earth from the said road, or in any manner damage the same, or shall forcibly pass, or attempt to pass the said gates by force without having first paid the legal toll at such gate, such person shall forfeit and pay

pay a fine not exceeding *ten dollars* nor less than *five dollars*, to be recovered by the Treasurer of the said Corporation to their use, in an action of trespass or on the case: And if any person with his team, cattle or horse, turn out of the said road to pass any of the turnpike gates, and again enter on the said road, with intent to evade the toll due by virtue of this Act, such person shall forfeit and pay three times so much as the legal toll would have been, to be recovered by the Treasurer of the said Corporation, to the use of the same, in an action of debt or on the case: *Provided*, That nothing in this Act shall extend to entitle the said Corporation to demand and receive toll of any person who shall be passing with his horse or carriage to or from public worship, or with his horse, team or cattle, to or from his common labour on his farm, or to or from any grist-mill, or on the common and ordinary business of family concerns, or from any person or persons passing on military duty.

SECT. 5. *And be it further enacted*, That the shares in the same turnpike road shall be taken, deemed and considered to be personal estate, to all intents and purposes, and shall and may be transferable; and the mode of transferring the said shares shall be by deed, acknowledged before any Justice of the Peace, and recorded by the Clerk of the said Corporation in a book for that purpose to be provided and kept: And when any share shall be attached on *mesne process*, or taken in execution, an attested copy of such writ of attachment or execution shall, at the time of the attachment or taking in execution, be left with the Clerk of the said Corporation, otherwise the attachment or taking in execution shall be void; and such shares may be sold on execution in the same manner as is or may by law be provided for making sale of personal property on execution; and the officer making the sale, or the judgment creditor, leaving a copy of the execution and the officer's return on the same, with the Clerk of said Corporation, within fourteen days after such sale, and paying for the recording of the same, shall be deemed and considered as a sufficient transfer of such share or shares in the said turnpike road.

Shares considered personal property.
Mode of transfer, &c.

Mode of attachment, &c.

SECT. 6. *And be it further enacted*, That the first meeting of the said Corporation shall be held at such time and place as shall be agreed on by the major part of the Proprietors, for the purpose of choosing a Clerk, who shall be sworn to the faithful discharge of the duties of his said office, and such other officers as may then and there be agreed upon by the said Corporation; and the said Corporation may at the same time establish such rules and regulations as shall be judged necessary for the well ordering of its affairs, and also upon a method for calling future meetings: *Provided however*, That such rules and regulations shall in no case be repugnant to the Constitution and laws of this Commonwealth.

Calling of the first meeting; and business to be transacted.

SECT.

Estimate of ex-
pense and of
annual receipts
and disburse-
ments to be
exhibited.

SECT. 7. *And be it further enacted*, That the said Corporation shall, within six months after the said road is completed, lodge in the Secretary's office an account of the expenses thereof; and that the said Corporation shall annually exhibit to the Governor and Council a true account of the income or dividend arising from the said toll, with their necessary annual disbursements on the said road; and that the books of the said Corporation shall at all times be subject to the inspection of a Committee to be appointed by the General Court, or to the inspection of the Governor and Council when called for.

Shares of delin-
quents to be
sold.

SECT. 8. *And be it further enacted*, That whenever any Proprietor shall neglect or refuse to pay any tax or assessment, duly voted and agreed upon by the Corporation to their Treasurer, within sixty days after the time set for the payment thereof, the Treasurer of the said Corporation is hereby authorized to sell at public vendue, the share or shares of such delinquent Proprietor, one or more, as shall be sufficient to defray the said taxes, and necessary incidental charges, after having given public notice of such sale in the newspapers printed in the counties of *Lincoln* and *Kennebeck*; and in case there shall be no newspaper printed in either county at the time, then in the newspaper at such place as shall be the nearest to the said turnpike road, the sum due on any such shares, and the time and place of sale, at least thirty days previous to the time of sale; and such sale shall be a sufficient transfer of the share or shares so sold, to the person purchasing the same; and on producing a certificate of such sale, from the Treasurer to the Clerk of the said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the books of the said Corporation, and such person shall be considered to all intents and purposes the Proprietor thereof; and the overplus, if any there be, shall be paid on demand, by the Treasurer, to the person whose shares were then sold.

The General
Court may dis-
solve the Cor-
poration.

SECT. 9. *And be it further enacted*, That the General Court may dissolve the said Corporation, whenever it shall appear to their satisfaction, that the income arising from the said toll shall have fully compensated the said Corporation for all monies they may have expended in purchasing, repairing and taking care of the said road, together with an interest thereon, at the rate of *twelve per cent.* by the year, and thereupon the property of the said road shall be vested in this Commonwealth, and be at their disposal: *Provided however*, That if the said Corporation shall neglect to complete the said turnpike road, for the space of seven years from the passing of this Act, the same shall be void and of no effect.

[This Act passed February 22, 1803.]

An ACT in addition to an Act, entitled, "An Act to regulate the Alewife Fishery in the Brook running out of *Wakepee Pond*, into the Sea, in the Indian Plantation called *Marshpee*, in the County of *Barnstable*, passed *June* the thirteenth, A. D. 1801.

WHEREAS the provision in the first section of the above recited Act, designating the time for the passage-ways to be opened for said fish to pass and repass is found inconvenient: Therefore,

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this Act, the time for the passage-way or ways to be kept open for the said fish to pass and repass through any mill-dam or dams mentioned in said Act, shall be from the twentieth day of *April* to the fifteenth day of *June* annually, instead of from the first day of *April* to the twenty-fifth of *May*.

SECT. 2. *Be it further enacted,* That any person or persons, who shall take any such fish in the brook aforesaid, without permission from the person or persons that shall be appointed by the said Board of Overseers, as in said Act is provided, shall for every such offence forfeit and pay *one dollar* for every hundred of fish so taken; so in proportion for a greater or lesser quantity, to be recovered and applied in manner provided by the fourth section of the above-recited Act; any thing in the above-recited Act to the contrary notwithstanding.

[This Act passed February 22, 1803.]

An ACT to incorporate a Number of the Inhabitants of the Town of *Brunswick*, in the County of *Cumberland*, into a Religious Society, by the Name of *The Baptist Society in Brunswick*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *Philip Owen, William Duning, Daniel Brown, Samuel Stanwood, William Woodside, Andrew Blake, Abraham Toothaker, Judah Chase, William Starbird, David Curtis, Samuel Dunlap, James Stanwood, Adam Woodside, David Duning, Josiah Simpson, William Ross, Frederick French, Nathaniel Chase, James Chase, William Swett, Shimuel Owen, Abner Melcher, William Low, Charles Ryan, Ephraim Hunt, Anthony Woodside, William Lunt, Andrew Duning, William Hunt, Michael Grows, Joseph Ross, Anthony Chase, Gideon Toothaker, John Given,*

Given, David Given, and Uriah Ellet, together with their families and estates, together with such others, being inhabitants of the town of Brunswick, as have or may within two years after the passing this Act, associate themselves for the same purpose, in the manner hereinafter described, be, and they are hereby incorporated into a religious Society by the name of The Baptist Society in Brunswick, with all the powers, privileges and immunities to which other parishes are entitled by the Constitution and laws of this Commonwealth, for religious purposes only.

How to become a member of this Society.

SECT. 2. *Be it further enacted, That any person in the town of Brunswick aforesaid, being of the Baptist denomination aforesaid, who may at any time within two years from the passing of this Act, actually become a member of, and unite in religious worship with the Society aforesaid, and give in his or her name to the Clerk of the town or parish to which he or she belongs, with a certificate signed by the Minister or Clerk of said Society, that he or she has actually become a member of, and united in religious worship with the aforesaid Baptist Society in Brunswick, fourteen days previous to the town or parish meeting therein to be holden in the month of March or April annually, shall, from and after giving such certificate, with his or her polls and estates, be considered as part of said Society: Provided however, That such person shall be holden to pay the proportion of all money assessed in the town or parish to which he or she belonged previous to that time.*

How to leave the Society.

SECT. 3. *Be it further enacted, That if any member of said Baptist Society shall at any time see cause to leave the same, and unite in religious worship with the parish in which he or she may reside, and shall lodge a certificate of such his or her intention, with the Clerk or Minister of said Baptist Society, and also with the Clerk of the town or parish in which he may reside, fourteen days at least before the annual town or parish meeting to be holden therein in the month of March or April, until the year one thousand eight hundred and five, and shall pay his proportion of all money assessed on said Society previous thereto, such person shall, from and after giving such certificate within the time aforesaid, with his polls and estate, be considered as belonging to the town or parish in which he may reside, in the same manner as if he had never belonged to said Baptist Society.*

First meeting how to be called.

SECT. 4. *And be it further enacted, That Nathaniel Larabee be, and he is hereby authorized to issue a warrant, directed to some suitable member of said Baptist Society, requiring him to notify and warn the members thereof to meet at such time and place as shall be appointed in said warrant, to choose such officers as parishes in this Commonwealth are by law authorized to choose in the month of March or April, annually.* [This Act passed February 22, 1803.] An

An ACT empowering *Aaron Porter* and others, to construct Locks, and to open a navigable Canal by *Saco Falls*, on *Saco River*. Additional Act,
Feb. 28, 1804.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Edmund Coffin, Ichabod Fairfield, Jeremiah Hill, Prentiss Mellen, Benjamin Nason, Samuel Piereson, Aaron Porter, and George Thatcher, together with such as may hereafter associate with them, and their heirs and assigns be, and they are hereby empowered, within the term of six years from the passing of this Act, to open a navigable Canal from or near Gooch's Island, so called, above the falls in Saco River, to the waters below the said falls, to the most convenient place, and in the most convenient direction, for shipping or delivering the lumber, timber, spars, wood, boats, and all other commodities, which they may from time to time want to convey through the said Canal, and that they may erect such a number of Locks as may be necessary for the purposes of conveying all the materials aforesaid, in the most safe and convenient manner, and for the purposes aforesaid, to take, use, occupy, possess and enjoy in fee simple, any lands or waters necessary to carry into effect and to complete the same, they paying therefor, in manner hereafter prescribed.*

Where the Canal is to be made, and its purposes.

SECT. 2. *And be it further enacted, That to enable the Proprietors aforesaid more effectually to carry into execution the purposes of this Act, they shall be and hereby are made a Corporation and Body Politic, by the name of The Proprietors of the Saco Falls Canal, and by that name may sue and be sued, defend and be defended, prosecute and be prosecuted to final judgment and execution, and shall have a common seal, and do and suffer all other matters and things, and be vested with all the powers and privileges which are usually incident to similar Corporations.*

SECT. 3. *And be it further enacted, That if any Corporation or individual person shall suffer any damage, by means of the said Locks and Canals, and the parties cannot agree upon the amount or the value of the damages thus occasioned, nor upon some suitable person or persons to estimate the same, then and in such case, some disinterested person or persons shall be appointed by the Court of General Sessions of the Peace, or by two Justices of the quorum for the county of York; and the determination of the referees so appointed shall be the measure of such damage: Provided nevertheless, That if either party shall be dissatisfied with the award of the referees aforesaid, and*

Case of damage occasioned by the Canal.

Provision for trial by Jury.

shall,

shall, at the same session at which the report shall be made apply to the Court for a trial by Jury, the said Court shall have power to determine the same by Jury, in the same manner other causes are determined; and if the verdict of the Jury shall not give to the party applying, a larger sum than the referees have awarded as aforesaid, then the Court shall award costs against the party applying; but if the last decision shall be more favourable to the party applying, than the decision of the referees, then the Court shall award costs against the party not applying, and the Court shall render judgment, and direct execution to issue thereon accordingly.

SECT. 4. *And be it further enacted*, That if any person or persons shall wilfully and maliciously take up, remove, break down, dig under, or in any other manner destroy or injure any of the works, or any part thereof, of any Canal or Lock, or any dam made use of, for enclosing water for the uses and purposes of the said Canal, or shall divert or obstruct the waters of any stream running to or from any pond or reservoir used, adapted and designed for the purposes aforesaid, or shall cut down, damage or carry away, or set on float to be carried away, any boards, plank, joist or other timber or materials used or to be used in or about any of said works, or shall be aiding or assisting in any of the trespasses or damages aforesaid, he shall for every such offence forfeit and pay to the Proprietors aforesaid, treble the value of such damages as the Proprietors aforesaid shall, to the Justice, or Court and Jury, before whom the trial shall be, make appear that they have sustained by means of the same trespass, to be sued for and recovered in any Court proper to try the same; and such offender or offenders shall be liable to presentment by the Grand Inquest of the county of *York*, for any offence or offences against this law, and on conviction thereof, on such presentment before the Court of General Sessions of the Peace for the said county, or before the Supreme Judicial Court, shall be liable to pay a fine, to the use of the Commonwealth, of not more than *fifty dollars*, nor less than *five dollars*, or be imprisoned for a term not more than two months, nor less than ten days, at the discretion of the Court before whom the conviction shall be.

Penalty for injuring the use of the Commonwealth, of not more than *fifty dollars*, nor less than *five dollars*, or be imprisoned for a term not more than two months, nor less than ten days, at the discretion of the Court before whom the conviction shall be.

SECT. 5. *And be it further enacted*, That for the purpose of reimbursing to the said Proprietors the monies by them expended or to be expended in building and supporting the said dams, Canals and Locks, a toll shall be, and hereby is granted and established for the benefit of the said Proprietors and their heirs and assigns, according to the rates following, viz. For every thousand feet of boards and planks, conveyed through the same, *fifty cents*, and for timber of every description, in the same proportion, and at the same rate; for hoghead

Toll established.

head staves, *seventy-five cents*; barrel staves, *fifty cents* per thousand, and other kinds in proportion; clapboards *fifty cents*; shingles, *ten cents* per thousand, and all other slit-work in proportion thereto; boats and other craft passing through the same, for every ton weight, *fifty cents*; for every cord of wood, *fifty cents*.

SECT. 6. *And be it further enacted*, That as soon as the said Canal and Locks are completed, the Proprietors shall have power to lay the toll as aforesaid, on all the several articles as they pass, and to retain them or a part of them for the payment thereof, if payment should be refused; and the said Proprietors, their heirs and assigns, shall have a right of making Locks and Canals as aforesaid, on the western side of the said *Saco Falls*. Canal authorized on western side of the falls.

SECT. 7. *And be it further enacted*, That upon application of the said Proprietors, or any three of them, to a Justice of the Peace for the county of *York*, requesting him to call a meeting of the said Proprietors, to be holden at some convenient place within the town of *Biddeford*, in the same county, such Justice is hereby empowered to issue his warrant, directed to one of the said Proprietors, requiring him to notify and warn his associates, to meet at such time and place in the said town of *Biddeford*, as shall be directed in the said warrant, who, when met, may agree upon a method for calling future meetings of the said Proprietors, and to consult upon and do such other affairs of the said propriety as shall be expressed in the said warrant. How the first meeting is to be called.

[This Act passed February 22, 1803.]

An ACT to incorporate *Hannah Stillman*, and others, into a Society by the Name of *The Boston Female Asylum*.

WHEREAS *Hannah Stillman*, and a number of other ladies of the town of *Boston*, have associated for the charitable purpose of relieving, instructing, employing and assisting female orphan children; and to carry their association into effect, have petitioned to be incorporated: Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the said *Hannah Stillman*, and her associates, together with such others as may become subscribers to the same institution, in the manner hereinafter provided, be, and they hereby are incorporated into a Society by the name of *The Boston Female Asylum*, and by that name shall be a Corporation forever, with power to have a common seal, to make contracts relative to the objects Incorporating clause.

Estate to be
held free from
taxes.

objects of their institution, to sue and be sued, to establish by-laws and orders for the regulation of the said Society, and the preservation and application of the funds thereof; *Provided* the same be not repugnant to the Constitution or laws of this Commonwealth; to take, hold and possess any estate, real or personal, by subscription, gift, grant, purchase, devise or otherwise, free from taxes, and the same to improve, lease, exchange, or sell and convey, for the sole benefit of said institution; *provided* the value of the real estate of said Society shall never exceed *fifty thousand dollars*, and the annual income of the whole estate of said Society shall not exceed *twenty thousand dollars*.

Husbands ac-
countable.

SECT. 2. *And be it further enacted*, That every married woman belonging to said Society, who shall, with the consent of her husband, receive any of the money or other property of said Society, shall thereby render her said husband accountable therefor to said Society; and every woman, whether sole or married, who shall subscribe and pay to the funds of said Society the sum of *three dollars* annually, shall by such subscription and payment become a member of said Society, liable however to be removed whenever she shall refuse or neglect to pay her said annual subscription.

Annual meet-
ing for choice
of officers.

SECT. 3. *And be it further enacted*, That the said Society shall meet in *Boston* on the last Tuesday of *September* annually, for the purpose of electing by ballot, from their members, a First and Second Directress, a Treasurer, a Secretary, and a Board of not less than six nor more than twelve Managers; all which officers shall hold their said offices for one year, and until others shall be elected to succeed them: And the managers for the time being, shall publish a notification of the time and place of each annual meeting, in two of the newspapers printed in *Boston*, at least seven days before the time of holding the same: Upon any urgent occasion, the First or Second Directress, or in their absence the Secretary, or whenever requested in writing by fifty members of said Society, any five of the Managers may appoint a special meeting of said Society, to be notified in the same manner as annual meetings: And at any regular meeting the Society may remove any Manager from office, and by ballot fill any vacancy in the Board of Managers, or any other corporate office: *Provided*, That in case of removal, two-thirds of the members present, being a majority of the whole Corporation, shall concur.

Calling of spe-
cial meetings.

Treasurer to
be a single wo-
man.

SECT. 4. *And be it further enacted*, That the Treasurer of said Society shall always be a single woman of the age of twenty-one years or upwards, and shall give bond, with sufficient surety or sureties, to account annually, or oftener if required by said Society or the Board of Managers, for all money and other property

property of said Society coming to her hands, and in general to discharge the duties of her said office with fidelity.

SECT. 5. *And be it further enacted,* That the Board of Managers for the time being, shall have the management and application of the subscriptions, funds and estate of the Society, solely for the purpose of this institution; and no sale or transfer of any real or personal estate of said Society shall be valid unless approved by them; and no money shall be paid out of the Treasury of said Society, except by their order: They shall likewise have authority, at their discretion, to take into their Asylum such female orphan children as they may judge suitable objects of charity, to enjoy the benefits of the institution; and also to accept a surrender in writing by the father, or where there is no father, by the mother of any female child or children, to the care and direction of said Society; and to bind out in virtuous families until the age of eighteen years, or marriage within that age, any such orphans or children thus surrendered, or any female child or children who, being destitute of parents within this Commonwealth, shall have been relieved and supported by said Society: *Provided,* That any parent whose child or children, during the absence of their said parent out of this Commonwealth, shall have received relief and support, or been bound out as aforesaid, shall have liberty, on his or her return, to receive such child or children, upon paying to the Treasurer of said Society the expense incurred in her or their relief and support as aforesaid: And the Managers shall have authority to establish any rules and by-laws for the regulation of the proceedings of said Board, and the concerns of said Society, not repugnant to the laws of the Commonwealth, or the by-laws and orders of said Society; not less than three Managers shall constitute a quorum for transacting business, and all questions shall be decided by the votes of a majority of the Managers present.

Managers to have the care of the property.

Managers to receive the children.

Parents may receive their children again on condition.

SECT. 6. *And be it further enacted,* That any writ or process against said Corporation may be served by the officers leaving an attested copy thereof with the Treasurer of said Society, or at her usual place of residence, thirty days before the return day thereof; and the said Treasurer, or any agent appointed for that purpose by the Society or by the Managers, may appear by attorney, and defend or prosecute any suit in behalf of said Society.

Service of process against said Corporation.

SECT. 7. *And be it further enacted,* That all instruments of conveyance or contract which may lawfully be made by said Society, if approved by the Board of Managers, shall be signed by the First or Second Directress, and countersigned by the Secretary, and if necessary, sealed with the common seal of said Society,

Signing of instruments of conveyance, &c.

Society, and when so executed, shall bind the said Society and be valid in law.

Present officers
recognized.

SECT. 8. *And be it further enacted, That Hannah Stillman shall continue First Directress, Sarah Bowdoin, Second Directress, Elizabeth Perkins, Treasurer, Elizabeth Thurston, Secretary, Mary Hubbard, Sarah Parkman, Hannah Smith, Mary Gray, Abigail May, Margaret Whitwell, Elizabeth Dorr, Mary Greiv, Ann Green, Margaret Cooper, and Elizabeth Goodwin, Managers, until the last Tuesday of September next, and until a new election shall be made as aforesaid; and shall be, and they hereby are invested, during said time, with all the powers which are herein given to the Managers to be annually elected by the Society.*

[This Act passed February 26, 1803.]

An ACT to change the Name of the Town of Coxball, in the County of York.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the date of this Act, the name of the said town of Coxball shall cease, and the said town shall be henceforth called and known by the name of Lyman; any law to the contrary notwithstanding.

[This Act passed February 26, 1803.]

Name changed
to Troy, June
18, 1804.

An ACT to divide the Town of Freetown, and to incorporate the southerly Part thereof into a separate Town by the Name of Fall-River.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the southerly part of Freetown, in the county of Bristol, as described within the following bounds, with the inhabitants thereon, be, and they are hereby incorporated into a separate town by the name of Fall-River, viz. Beginning in Taunton Great River, so called, and thence running south seventy degrees, east on the line dividing the lands belonging to the heirs of Samuel Volentine from the lands of the heirs of William Volentine, and so continuing the same course about eighteen hundred and sixty rods, till it intersects a line running from the town of Dartmouth, north twelve degrees, east by the easterly end of the twentieth great lot owned by Thomas Borden and Richard Borden; thence on the line last mentioned to Dartmouth line; thence by the lines of the towns of Dartmouth and Westport to the State of Rhode-Island; thence*

Boundaries.

thence on the line of said State into said river ; thence by the channel of said river to the bounds first-mentioned : And the said town of *Fall-River* is hereby vested with all the powers and privileges, rights and immunities, to which other towns are entitled by the Constitution and laws of this Commonwealth.

SECT. 2. *Be it further enacted*, That the said town of *Fall-River* shall pay all arrears of taxes which have been assessed upon them, together with their proportion of all debts owed by said town of *Freetown* prior to the date of this Act ; and that all questions relative to property already existing shall be adjusted and settled in the same manner as if this Act had not been made ; and that all property, rights and credits of said town of *Freetown*, be received and enjoyed by the said town of *Fall-River*, according to their proportion of the taxes of said *Freetown*, as assessed in the last tax-bills.

Payment of
debts, & divi-
sion of property.

SECT. 3. *Be it further enacted*, That the said town of *Fall-River* shall take upon themselves and support one half of all the poor now actually chargeable to said town of *Freetown* ; and shall also bear and pay one half the expense of supporting such poor persons as may be sent back upon said town of *Freetown* from other towns, who removed from said town of *Freetown* prior to the passing of this Act.

Support of the
poor.

SECT. 4. *Be it further enacted*, That of all State and county taxes which shall be levied and required of said towns previous to a new valuation, the said town of *Fall-River* shall pay four-tenths.

Taxes.

SECT. 5. *And be it further enacted*, That *Charles Durfee*, Esq. be, and he hereby is authorized to issue his warrant, directed to some suitable inhabitant of the said town of *Fall-River*, requiring him to notify and warn the inhabitants of the said town qualified by law to vote in town affairs, to meet at such time and place as shall be expressed in the said warrant to choose all such officers as other towns within this Commonwealth are required by law to choose in the months of *March* or *April* annually ; and the officers so chosen shall be qualified as other town officers are.

Calling of the
first meeting.

[This Act passed February 26, 1803.]

March 6, 1802.

An ACT in addition to the Act, entitled, "An Act for incorporating certain Persons for the Purpose of laying out and making a Turnpike Road from Salem to Charles River Bridge, for building the necessary Bridges on said Road, and for supporting the same."

Allowed to
hold additional
real estate.

Width of road
in certain places.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said Corporation be, and it is hereby authorized to purchase and hold real estate to the amount of *thirty thousand dollars*, instead of the *twelve thousand* mentioned in the said Act to which this is in addition; and that the said Corporation and the Court of General Sessions of the Peace within and for the county of *Middlesex*, with the consent of the said Corporation, be, and they are hereby authorized, on the Proprietors' petition now pending in said Court, or on any other petition for the purpose, to lay out the said road, in the said town of *Charlestown*, instead of four rods wide, as mentioned in the aforesaid Act, not less than fifty feet wide from *Mytic River* to *Gorham's rope-walk*, and not less than forty feet wide from thence to the main-street in *Charlestown*, leading to *Charles River Bridge*, except where the same shall be laid out through and upon any street at present used and travelled, and which cannot, by reason of buildings, be made forty feet wide: And the said road shall extend to the said main street in *Charlestown*, leading to *Charles River Bridge*, only, and not to said Bridge, as is expressed in the said Act.

Additional toll
allowed in certain cases.

SECT. 2. *And be it further enacted*, That it shall and may be lawful for the said Corporation to demand and receive at said *Chelsea Bridge*, and at each gate on the said turnpike road, over and above the toll already granted, the sum of *twenty-five cents* for every hundred weight which every wheel carriage, (not having the sole or bottom of the fellies of the wheels of the breadth of nine inches,) together with the loading thereof, shall weigh over and above the weight of forty hundred: *Provided always*, That the regulation aforesaid shall not extend, or be construed to extend, to any four-wheel carriages having the axle-trees thereof of such different lengths, that the distance from wheel to wheel of the narrower pair of said wheels, or those on the shortest axle-tree, be so much less than the distance from wheel to wheel of the other pair thereof, that the fore and hind wheels of such carriages shall roll only one single surface or path of ten inches wide, at the least, on each side of said carriages, and having the fellies of the wheels of the breadth of six inches, at the least, from side to side, at the bottom or sole thereof.

[This Act passed February 26, 1803.]

An

An ACT to set off Part of the Town of *Montague*, and a Gore of Land lying between said *Montague* and *Wendell*, and to annex both said Tracts to the Town of *Wendell*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That all the lands lying within the bounds herein described, together with the inhabitants thereon, and their polls and estates, be, and hereby are annexed to the town of *Wendell*, viz. Beginning at the south-east corner of *Montague*, at *Wendell* line; thence running westerly one mile on the south line of said town of *Montague*; thence north thirteen degrees thirty minutes east, until it shall intersect the *Great Brook*, so called; thence by and with the said brook to *Miller's River*, including a gore of land lying between the said towns of *Montague* and *Wendell*: *Provided*, That the inhabitants living on said tract of land shall be holden to pay their proportion of all legal taxes which have been assessed, ordered, or voted to be laid on said *Montague*, by the inhabitants thereof, or by the General Court, in the same manner as though this Act had never passed.

SECT. 2. *And be it further enacted*, That in all State taxes which shall hereafter be granted by the General Court of this Commonwealth, until a new valuation shall be settled, one-sixth part of the taxes which would have been set to the said town of *Montague*, according to the last valuation, shall be taken therefrom, and set to the said town of *Wendell*.

[This Act passed February 28, 1803.]

An ACT to incorporate and establish a Society by the Name of *The Western Society of Middlesex Husbandmen*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Ebenezer Bridge, Joseph B. Varnum, Phineas Whitney, Jonathan Newell, Solomon Aiken, John Bullard, Daniel Chaffin, Edmund Foster, John Pitts, Parker Varnum, Samuel Pitts, Henry Woods, Timothy Bigelow, Abel Fletcher, Oliver Cresby, Thomas Clarke, Joshua Longley, Ebenezer Bancroft, Timothy Jones, Oliver Prescott, jun. Sampson Tuttle, Zaccheus Wright, Abijah Wyman, Jonathan Fletcher, John Farwell, Francis Kidder, Cornelius Waters, William Tuttle, Benjamin Osgood,* Names of persons incorporated.

WESTERN SOC. OF MID. HUSB. Feb. 28, An. 1803.

Benjamin Fletcher, Benjamin Bowers, Paul Howard, John Wood, John Egerton, Samuel Stone, David Lawrence, Samuel Fletcher, Samuel Lawrence, Jonathan Bancroft, Ephraim Russell, Jonathan Lawrence, Ebenezer Bancroft, jun. and Thomas Russell, together with such others who shall become members thereof be, and they are hereby incorporated into and made a Body Politic and Corporate by the name of The Western Society of Middlesex Husbandmen.

Allowed to hold real estate. SECT. 2. *Be it further enacted*, That the said Corporation shall be capable of taking and holding in fee simple, or any less estate, by gift, grant, devise, or otherwise, any estate, real or personal, the annual income whereof shall not exceed *one thousand dollars*; and they may sell or dispose thereof at pleasure, not using the same in trade.

Liablie to be sued, &c. SECT. 3. *Be it further enacted*, That the said Corporation may have and use a common seal, and the same may alter or change at pleasure, and shall be capable of suing or being sued in any actions, real, personal or mixed, in any Court proper to try the same.

Laws and regulations may be established. SECT. 4. *Be it further enacted*, That said Corporation may establish and put in execution such by-laws and rules for the government thereof as they may think proper, not repugnant to the laws of this Commonwealth; and they may appoint such officers as they think proper, who shall be capable of exercising such power for the well governing of said Corporation as shall be authorized by the by-laws thereof: And furthermore said Corporation may from time to time admit new members thereunto, when and in what manner they may think best: *Provided however*, That every person being a member of *The Massachusetts Society for promoting Agriculture*, shall be considered as an honorary member of *The Western Society of Middlesex Husbandmen*, and shall have a right to assemble and vote at all meetings thereof.

Design of the institution. SECT. 5. *Be it further enacted*, That the end and design of the institution hereby incorporated is to promote useful improvements in agriculture.

SECT. 6. *Be it further enacted*, That *Ebenezer Bridge, Esq.* be, and he hereby is authorized to appoint the time and place for holding the first meeting of said Society, and to notify the members thereof, by publishing the same in one or more newspapers printed in *Boston*, fourteen days at least before the time of such meeting.

[This Act passed February 28, 1803.]

An ACT to incorporate a Number of the Inhabitants of the Town of *Dighton*, in the County of *Bristol*, into a Religious Society, by the Name of *The First Congregational Society in Dighton*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Gideon Babbit, Thomas S. Baylies, Edward Briggs, Mathew Briggs, Abner Briggs, James Briggs, Zebedee Briggs, the widow Sarah Briggs, Eliakim Briggs, Eliakim Briggs, the second, Samuel Briggs, the second, Samuel Briggs, the third, John Butler, John Davis, Isaac Hathaway, Nathan Ide, Jonathan Jones, Thomas Pierce, Ephraim Phillips, Darius Phillips, Abiezer Phillips, Abiezer Phillips, jun. Seth Read, Z. Leonard Read, Ebenezer Reed, Simeon Reed, Simcon Reed, jun. Josiah Richmond, Abrahm Shaw, John Stephens, John Stephens, jun. Josiah Talbut, Snow Trafton, Benjamin Trafton, Benjamin Trafton, jun. Ebenezer Walker, Elijah Walker, Nathaniel Walker, William Walker, jun. Jonathan Walker, jun. Jonathan Williams, Simson Williams, Jeshua Williams, George Williams, Gershom Williams, Zebedee Williams, Jared Williams, David Williams, and David Williams, jun. together with their polls and estates, be, and they are hereby incorporated into a Society by the name of *The First Congregational Society in Dighton*, with all the powers, privileges and immunities to which parishes are by law entitled in this Commonwealth.

Names of persons incorporated.

SECT. 2. *Be it further enacted,* That the said Society be, and hereby is authorized and empowered to sell or lease the pews in the meeting-house in said *Dighton*, known by the name of *The Buck-Plain Meeting-House*, and to give valid titles to the same; and the monies or other profits or emoluments arising therefrom, shall be applied exclusively to the support of religious worship in the said meeting-house: *Provided however,* That nothing herein contained shall be construed to deprive the inhabitants of said town of the right to assemble in said meeting-house in town-meetings, for the transaction of town affairs.

Pews to be sold or leased.

SECT. 3. *And be it further enacted,* That any other person in the said town of *Dighton* who shall actually become a member of, and unite in religious worship with the said First Congregational Society, by giving in his or her name to the Town-Clerk of said *Dighton*, with a certificate signed by the Minister or Clerk of said Society, that he or she has actually become a member of, and united in religious worship with the said First Society in *Dighton* fourteen days previous to the town-meeting therein, to be held in the month of *March* or

How to become a member of this Society.

April

April annually, until the year one thousand eight hundred and five, shall, from and after giving such certificate, with his or her polls and estates, be considered as a member of the said Society.

How to leave
this Society.

SECT. 4. *And be it further enacted*, That when any member of the said First Society in *Dighton* shall see cause to leave the same, and unite in religious worship with any other religious Society, and shall give in his or her name to the Clerk of such other Society, and obtain a certificate signed by the Minister or Clerk of such other religious Society with which he or she may so unite, that he or she has actually become a member of, and united in religious worship with such other parish or religious society, fourteen days previous to their meeting in *March* or *April*, within the time aforementioned, and shall previously pay his or her proportion of all money assessed in said Society, and also the amount due from him or her respectively, on any agreement signed by him or her for the support of a Minister, such person shall, from and after the date of such certificate, with his or her polls and estates, be considered as a member of the Society to which he or she has so united.

First meeting
how to be called.

SECT. 5. *And be it further enacted*, That *Thomas Baylies Richmond*, Esq. be, and hereby is authorized to issue his warrant, directed to some member of the said First Congregational Society in *Dighton*, requiring him to notify the members thereof qualified to vote in parish affairs, to assemble at such convenient time and place as shall be expressed in the said warrant, to choose such officers as parishes are by law required to choose in the month of *March* or *April*, annually; and to transact all other matters and things necessary to be done for the well being of the said Society.

[This Act passed *March 1*, 1803.]

An ACT for incorporating certain Persons for the Purpose of laying out and making a Turnpike Road from *Beverly* to *Newburyport*, for building the necessary Bridges on the said Road, and for supporting the same.

Preamble.

WHEREAS the making the said road and bridges will be of great public utility, and *John Heard*, Esq. and others, have petitioned this Court for an Act of incorporation, to empower them to lay out and make said road and erect said bridges, and have subscribed to a fund for that purpose: Therefore,

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *John Heard*, *Stephen Cheate*, *William Gray, jun.* *Jacob Ashton*,

Ashton, Asa Andrews, Joseph Sawasey, Israel Thorndike, Nathan Dane, William Bartlet, and James Prince, Esquires, and all such persons as are or shall be associated with them, and interested in said fund, and their successors, shall be a Corporation by the name of *The Ipswich Turnpike*; and by that name shall sue and be sued, and shall have a common seal, and enjoy all the privileges and powers which are by law incident to a Corporation, for the purpose of laying out and making a turnpike road, from said *Beverly*, over *Ipswich Stone-Bridge*, to *Newburyport*, and for building the bridges aforesaid, and keeping the same in repair; that is to say, a road beginning near the blacksmith's shop in *Beverly* of *Nathaniel Batchelder*; and from thence to be continued on a straight line, as near as the ground will allow, to the highway in *Hamilton*, near *Nathan Brown's*; thence keeping the old road to said *Ipswich Bridge*, making such straightenings and improvements as the ground will bear; thence to *Newburyport*, as near a straight line as they shall find the ground, marshes, waters and other circumstances will permit.

Course of the road.

SECT. 2. Be it further enacted, That the said *John Heard, Stephen Choate, William Gray, jun. Jacob Ashton, Asa Andrews, Joseph Sawasey, Israel Thorndike, Nathan Dane, William Bartlet, and James Prince*, or any three of them, may, by advertisement in the *Salem Gazette*, or in any other newspaper printed in *Salem, Boston* or *Newburyport*, call a meeting of the said Proprietors, to be holden at any suitable time or place after fifteen days from the publication of the said advertisement; and the said Proprietors, by a vote of the majority of those present or represented at the said meeting, in all cases accounting and allowing a vote to each single share, shall choose a Clerk, who shall be sworn to the faithful discharge of his duty, and also shall agree on a method for calling future meetings; and at the same or at any subsequent meeting may make and establish any rules and regulations that shall be necessary or convenient for regulating the said Corporation, for effecting, completing and executing the purposes aforesaid, or for collecting the toll hereafter granted; and the same rules and regulations may cause to be kept and executed, or for the breach thereof may order and enjoin fines and penalties, not exceeding *thirteen dollars and thirty-three cents* for any breach thereof, provided such rules and regulations be not repugnant to the laws and Constitution of this Commonwealth; and the said Proprietors may also choose and appoint any other officer or officers of the Corporation that they may deem necessary: And all representations at any meeting shall be proved in writing, signed by the person making the same, which shall be filed with, and recorded by the Clerk; and this Act, and all rules and regulations and votes of the said Corporation, shall be fairly and truly recorded by the said Clerk, in a book or books for that purpose provided and kept.

Mode of calling the first meeting of Proprietors.

This Act and all rules and regulations to be recorded by the Clerk.

SECT.

Width of the
road.

Toll established
after the
road is approved.

Turnpike gate
may be erected
between Ips-
wich Bridge
and Newbury-
port.

SECT. 3. *Be it further enacted*, That the same turnpike road shall be laid out and made by the said Corporation of a sufficient width, in every part thereof, for the accommodation of the public; and that the open unenclosed ground shall be at least four rods wide on the upland, (except the said old road) and eight rods wide at least (including the canal) on the marsh, and on the islands in the marsh; and the made way or path for travelling shall be of sufficient width, and not less than twenty-four feet wide in any part thereof, and over the marsh not less than thirty feet wide within the railings, except such parts of the said old road as shall remain and be a part of this new road, which parts of said old road the towns are respectively to keep in repair: And when the said turnpike road shall be sufficiently made, from said shop in *Beverly* to said old road in *Hamilton*, and shall be so allowed by the Justices of the Supreme Judicial Court, at any term thereof, in any county of this Commonwealth, then the said Corporation shall be authorized to erect a turnpike gate on the same, in such manner as shall be necessary and convenient; and shall be entitled to receive from each traveller and passenger the following rate of toll, viz. For every coach, phaeton, chariot, or other four wheel carriage, for the conveyance of persons, drawn by two horses, *twenty-five cents*, and if drawn by more than two horses, an additional sum of *four cents* for each horse; for every cart, waggon, sleigh or sled, or other carriage of burthen, drawn by two oxen or horses, *twelve and an half cents*, and if by more than two, an additional sum of *three cents* for every such ox or horse; for every curricule, *sixteen cents*; for every sleigh, for the conveyance of passengers, drawn by two horses, *ten cents*, and if drawn by more than two, an additional sum of *three cents* for each horse; for every sled or sleigh, drawn by one horse, *six cents*; for every chaise, chair or other carriage, drawn by one horse, *twelve and an half cents*; for every man and horse, *five cents*; for all oxen, horses and neat cattle, led or driven, besides those in teams and carriages, *one cent* each; for all sheep and swine, *three cents* by the dozen, and in the same proportion for a greater or less number.

SECT. 4. *Be it further enacted*, That when the said road shall be sufficiently made, from said *Ipswich Bridge* to *Newburyport*, and the bridge over *Parker's River* and the lower end of *Kent's Island* shall be sufficiently built, and the said road shall be so allowed by the said Justices as aforesaid, then the said Corporation shall be authorized to erect a turnpike gate on the same, between said *Ipswich Bridge* and said *Newburyport*, (but not on any part of the road at present travelled) in such place as shall be necessary and convenient, and shall be entitled to receive of each traveller and passenger the rates of toll aforesaid.

SECT.

SECT. 5. *Be it further enacted*, That the said bridge over *Parker River* shall be well built, at least thirty-two feet wide, of good and suitable materials, and be well covered with plank or timber on the top suitable for such a bridge, with sufficient rails on each side, boarded eighteen inches from the bottom, for the safety of passengers; "and that one arch, for the convenience of the boat navigation, shall be made one foot higher above the tide than the highest arch in the present bridge, and equal in width to the widest arch in said bridge;" and the same shall be kept in good, safe and passable repair for the term of seventy years from the opening of the same, and at the end of said term the said bridge shall be left in like repair: And that for the purpose of reimbursing the said Proprietors the monies by them expended, and to be expended in building and supporting the said bridge, a toll be, and hereby is granted and established, for the sole benefit of the said Proprietors, according to the rates following, viz. For each foot passenger, *one cent*; for each person and horse, *three cents*; for each chaise, chair, fulkey or sleigh, drawn by one horse, *ten cents*; for each horse and cart, *six cents*; for each team, drawn by more than one beast, *ten cents*; for each coach, chariot, waggon, phaeton and curricule, *twenty cents*; for each man and wheelbarrow, hand-cart or other vehicle, capable of carrying a like weight, *two cents*; for each horse and neat cattle, exclusive of those in teams or rode on, *two cents*; for each sheep and swine, *one cent*; and for each team one person and no more shall be allowed as a driver to pass toll free; and at all times when the toll-gatherer shall not attend his duty, the gate or gates shall be left open; and the said toll shall commence on the day of the first opening the said bridge for passengers, and shall continue for the term of seventy years, at the end of which time the said bridge shall be delivered up in good repair to and for the use of the government: And also at the several places where the toll shall be received on said bridge or road, the said Proprietors shall erect and constantly expose to open view, a sign or board, with the rates of toll on the tollable articles, fairly and legibly written thereon in large capital letters: *Provided however*, That at the time of opening said bridge the said Corporation shall cause a true and just account of the expenses thereof, and at the end of every three years thereafterwards, a just and true account of their receipts and disbursements, to be returned into the office of the Secretary of this Commonwealth; and that after twenty years from the opening of said bridge, the General Court may regulate the rates of toll receivable at the said gate.

Directions respecting the building of the Bridge.

Toll established for the Bridge.

SECT. 6. *Be it further enacted*, That the said Corporation may purchase and hold any land over which they may make said road; and the Justices of the Court of General Sessions
of

Court of Sessions authorized to lay out the road.

of the Peace in the county of *Essex*, are hereby authorized, on application from the said Corporation, to lay out such road, or any part thereof, as with the consent of the said Corporation they may think proper: And the said Corporation shall be holden to pay all damages which shall arise to any person by taking his land for such road, where it cannot be obtained by voluntary agreement, to be estimated by a Committee appointed by said last mentioned Court, saving to either party a right of trial by Jury, according to the law which makes provision for the recovery of damages happening by laying out public high-ways.

Penalty for de-laying passen-gers.

SECT. 7. *Be it further enacted*, That if the said Corporation, or their toll-gatherer, or others by them employed, shall unreasonably delay or hinder any passenger or traveller at either of said gates, or shall demand or receive more toll than is by this Act established, the Corporation shall forfeit and pay a sum not exceeding *ten dollars* nor less than *two dollars*, to be recovered before any Justice of the Peace in said county, by any person injured, delayed or defrauded, in a special action of the case; the writ in which shall be served on the said Corporation, by leaving a copy of the same with the Treasurer or some individual member of said Corporation living in said county, or by reading the same to the said Treasurer or individual member, at least seven days before the day of trial; and the Treasurer of the said Corporation, or individual member, shall be allowed to defend the same suit in behalf of the said Corporation: And the said Corporation shall be liable to pay all damages that shall happen to any person from whom the toll is demandable, for any damage which shall arise from the defect of bridges, or want of repairing said ways, and shall also be liable to presentment by the Grand Jury for not keeping the same in good repair.

Corporation liable for damages by defect of bridges, &c.

Penalty for injuring the road and for attempting to evade the toll.

SECT. 8. *Be it further enacted*, That if any person shall cut, or break down, or otherwise destroy any of said gates, or shall dig up or carry away any earth from the said road, or in any manner damage the same, or shall forcibly pass, or attempt to pass by force said gates, without first having paid the legal toll at each gate, such person shall forfeit and pay a fine not exceeding *fifty dollars* nor less than *ten dollars*, to be recovered by the Treasurer of the said Corporation to their use, in an action of trespass on the case: And if any person with a team, cattle or horses, turn out of said road to pass any of the turnpike gates aforesaid, and again enter said road, with an intent to avoid any toll established as aforesaid, such person shall forfeit and pay three times as much as the legal toll at each gate or gates established as aforesaid, to be recovered by the Treasurer aforesaid, to the use aforesaid, by an action of debt: *Provided*, That nothing in this Act shall extend to entitle the said Corporation

to demand or receive toll of any person who shall be passing with his horse or carriage to or from public worship, or with his horse, team or cattle, to or from his common labour, or to or from any mill, or on the common or ordinary business of family concerns within the said town, or from any person or persons passing on military duty.

SECT. 9. *Be it further enacted*, That the shares in said road and bridge shall be deemed personal estate to all intents and purposes, and shall be transferable by deed, duly acknowledged before any Justice of the Peace, and recorded by the Clerk of said Corporation, in a book to be kept for that purpose: And when any such share shall be attached on *mesne process*, or taken in execution, an attested copy of such writ of attachment or execution shall, at the time of the attachment or taking in execution, be left with the Clerk of said Corporation, otherwise the attachment or taking in execution shall be void; and such shares may be taken and sold by execution in the same manner as other personal estate, and the officer or judgment creditor, leaving a copy of such execution, with the return thereon, with such Clerk, within fourteen days after such sale, and paying for the recording thereof, shall be deemed a sufficient transfer for the same.

Shares deemed personal estate, and mode of transfer and attachment.

SECT. 10. *Be it further enacted*, That the said Corporation shall, within six months after their toll shall commence at any of said gates, lodge in the Secretary's office an account of all expenses incurred in making said road, previous to taking toll at such gate; and within six months after said turnpike road shall be completed, lodge in said office an account of the expenses of the whole of said road, (the said bridge over the two branches of *Parker's River* excepted;) and that the said Corporation shall annually exhibit to the Governor and Council a true account of the income or dividend arising from said toll, with the necessary annual disbursements on the said road; and that the said books of the Corporation, both as to the bridge and road, shall at all times be subject to the inspection of a Committee to be appointed by the General Court, or to the inspection of the Governor and Council when called for.

Statement of expenses to be exhibited.

SECT. 11. *Be it further enacted*, That whenever any Proprietor shall neglect or refuse to pay any tax or assessment duly voted and agreed upon by the said Corporation, to their Treasurer, within thirty days after the time set for the payment thereof, the Treasurer of the said Corporation is hereby authorized to sell at public vendue, the share or shares of such delinquent Proprietor, one or more, as shall be sufficient to defray said taxes and necessary incidental charges, after duly notifying in one newspaper printed in *Salem* or *Newburyport*, and the one printed

Shares of delinquent Proprietors to be sold.

printed in *Boston* by the printers of the General Court, the sum due on such shares, and the time and place of sale, at least thirty days previous to the time of sale; and such sale shall be a sufficient transfer of such share or shares so sold to the person purchasing the same; and on producing a certificate from the Treasurer to the Clerk of said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the books of the said Corporation; and such person shall be considered to all intents the Proprietor thereof, and the overplus, if any there be, shall be paid on demand by the Treasurer, to the person or persons whose shares were then sold.

The Corporation may be dissolved when the income has indemnified the Proprietors.

SECT. 12. *Be it further enacted*, That the General Court may dissolve the said Corporation, so far as may respect the said turnpike road, whenever it shall appear to their satisfaction, that the said income arising from said toll shall have fully compensated the said Corporation for all monies they may have expended in purchasing, repairing and taking care of the said road, together with an interest thereon at the rate of *twelve dollars* on the hundred for a year, from the time of the same, and thereupon the interest in the said turnpike road shall vest in the Commonwealth; but the said Corporation shall remain to all intents and purposes, in respect to said bridge over *Parker's River*, for and during the said term of seventy years, upon the conditions aforesaid; all the other bridges on said turnpike road shall be well built; the bridge over *Rowley River* shall have one arch of thirty-two feet in width, and of seven feet in height above high water mark in a middling tide; and the said bridges, as well as the said road over marshes, shall be secured with sufficient railing: *Provided*, That if the said Corporation shall neglect to complete the said turnpike road and bridge, for the space of five years from the passing of this Act, the same shall be void and of no effect.

The rate of toll may be commuted.

SECT. 13. *Be it further enacted*, That the said Corporation be, and it is hereby empowered to commute the rate of toll with any person, or with the inhabitants of any town through which their turnpike road is made, by taking of him or them any certain sum annually, or for a less time, to be mutually agreed on in lieu of the toll established in and by this Act: *Provided however*, That the sum to be allowed for the turnpike gates shall always be kept distinct from the sum allowed for the bridge gate.

Money may be granted to certain assistants.

SECT. 14. *Be it further enacted*, That the said Corporation is hereby allowed to grant monies to such persons as rendered services to the Proprietors in exploring the route of the turnpike road, or otherwise, previous to the Act of incorporation: And the said Corporation is hereby authorized to purchase and hold other real estate adjacent to, and for the accommodation of the said

faid road, to the amount of *ten thousand dollars* : And no one Proprietor in the faid Corporation shall have more than twenty votes.

SECT. 15. *And be it further enacted*, That *Jonathan Poor*, and others, named in the fifth section of an Act passed *February* the thirteenth, one thousand seven hundred and ninety-eight, entitled, "An Act for establishing a toll for the purpose of repairing and maintaining the great bridge over the river *Parker*, in the town of *Newbury*, and county of *Essex*," shall, on the old bridge becoming impassable, have and enjoy all the privileges in the bridge provided by this Act, as is provided by the Act aforesaid.

The privileges of J. Poor and others provided for.

[This Act passed *March 1, 1803.*]

An ACT in further addition to an Act, entitled, "An Act for incorporating *James Sullivan, Esq.* and others, by the Name and Style of *The Proprietors of the Middlesex Canal.*"

June 22, 1793.
Feb. 28, 1795.
Jan. 25, 1800.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the said Proprietors shall be allowed the term of three years from and after the twenty-second day of *June* next, to complete the same Canal to *Charles River*, and to effectuate the means of a communication between the said Canal and the town of *Boston*, across said *Charles River*, by boats.

Canal to be completed to Charles River.

SECT. 2. *And be it further enacted*, That the said Corporation shall be further allowed the term of six years, from the twenty-second day of *June* next, to render *Concord River* boatable and navigable, and for cutting other Canals in the county of *Middlesex*, pursuant and according to the tenor of the Acts heretofore passed on that subject.

Time allowed for cutting other canals.

SECT. 3. *And be it further enacted*, That the said Corporation shall have power to make and ordain such by-laws, rules and regulations as they shall from time to time find to be expedient and proper for regulating the navigation of the said Canal; and which by-laws shall be extended to the form and dimensions of boats, rafts and floats to be used thereon, and to the regulating such landing-places on the same Canal, as they shall establish thereon: *Provided*, That the penalties by such by-laws established, shall not exceed the sum of *ten dollars*, to be sued for and recovered by the Treasurer of said Corporation, to the use of said Corporation, by an action of the case, before any Justice of the Peace, or in any Court proper to try the same; and the said President and Directors shall

By-laws, &c. allowed to be made.

Copies of the
by-laws to be
posted in cer-
tain places.

shall cause all such by-laws to be printed in a fair type, and a copy thereof to be placed up at every suit of Locks on the same Canal; and at Locks on the branches thereof, and shall constantly keep the same up, excepting where they or any of them shall be removed by accident, or taken down wantonly or maliciously: And the said President and Directors shall have power in their by-laws to provide annually against any person who shall wantonly or maliciously pull down such printed copy of their laws not exceeding *ten dollars*, to be recovered in manner and for the use aforesaid.

Penalty for in-
juring canal,
&c.

SECT. 4. *And be it further enacted*, That if any person shall wantonly or maliciously cut, break, injure or destroy any towing-path, formed or made by the said Corporation pursuant to this Act, or any gates, sluice-ways, drains or reservoirs, connected with said Canal or any part thereof, such person shall be liable to the same penalties as are provided by law against persons who shall break or injure the said *Middlesex Canal*, to be recovered in the manner, and to the use for which the penalties for so breaking and injuring the same Canal are to be recovered and applied.

Toll at the
locks.

SECT. 5. *And be it further enacted by the authority aforesaid*, That when any boat, float or raft shall rise or fall any of the Locks of the said *Middlesex Canal*, there shall be paid thereon for every ton, a toll or lockage not exceeding *one sixteenth of a dollar* for each Lock, and where the rise or fall is only through one Lock, there shall be no toll demanded for the next mile previous to the coming to, or after having passed such Lock; and so in proportion for any number of Locks so passed; and that all boats navigating said Canal or its branches shall be subject to pay the same toll for every ton burthen they are capable of conveying, whether loaded or not.

[This Act passed *March 2, 1803.*]

An ACT for incorporating certain Persons for the Purpose of building a Bridge over *Connecticut River*, in the County of *Hampshire*, between the Towns of *Northampton* and *Hadley*, and for supporting the same.

Preamble.

WHEREAS a Bridge over *Connecticut River*, between the towns of *Northampton* and *Hadley*, in the county of *Hampshire*, would be of public convenience; and whereas *Ebenezer Hunt* and others have presented a petition to this Court, praying for liberty to build the same, and to be incorporated for that purpose:

SECT.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Ebenezer Hunt, Levi Shepard, Joseph Lyman, jun. Asabel Pomeroy, John Taylor, Samuel Porter, Benjamin Parsons, Eleazer Clark, Samuel Henshaw, Ebenezer Lane, Samuel Hinckley, Josiah Dickinson, John Breck, Benjamin Prescott, Benjamin Tappan, Enos Smith, Eliza Dickinson, John Smith, 2d. Lemuel Warner, Jonathan E. Porter, Eleazer Porter, John Hopkins, William Porter, and Windsor Smith, with such persons as already have, or may hereafter associate with them, be, and hereby are made and constituted a Corporation and Body Politic, by the name of *The Proprietors of the Northampton Bridge*; and by that name may sue and be sued to final judgment and execution, and to do and suffer all matters, acts and things which Bodies Politic may or ought to do and suffer; and the said Corporation shall and may have and use a common seal, and the same may break and alter at pleasure.

Names of persons incorporated.

SECT. 2. *And be it further enacted by the authority aforesaid,* That any three of the persons abovenamed may warn and call a meeting of the Proprietors aforesaid, to be holden at any convenient time and place, by publishing the same three weeks successively in the *Hampshire Gazette*, published in *Northampton* aforesaid, the last publication to be six days at least before the time of such meeting, and the said Proprietors, by a vote of the majority of those present or represented at said meeting, allowing one vote to and for each single share in all cases, (*Provided however,* That no one Proprietor shall be allowed more than twenty votes,) shall choose a Clerk who shall be sworn to the faithful discharge of said office, and shall also agree on a method of calling future meetings, and at the same or at some subsequent meeting or meetings may elect such officers, and make and establish such rules and by-laws as to them shall seem necessary or convenient for the regulation and government of the said Corporation for the carrying into effect the purposes aforesaid, and for collecting the toll hereinafter granted and established, and may annex penalties to the breach of any by-laws not exceeding *five dollars*: And all representations at said meetings shall be filed with the Clerk of said Corporation; and this Act, and all rules, regulations and proceedings shall be fairly and truly recorded by said Clerk in a book or books to be provided and kept for that purpose.

First meeting how to be called. Clerk to be chosen, and rules established.

SECT. 3. *Be it further enacted,* That the said Proprietors be, and they hereby are authorized and empowered to erect a Bridge over *Connecticut River*, in some convenient place between *Goodman's Ferry*, so called, in *Hadley*, and the turn of the river, so called, in *Northampton*, in the county of *Hampshire*; and said Bridge shall be well built, with suitable materials, at least

Where the Bridge is to be built; its dimensions, &c.

least twenty-eight feet wide, and covered with planks, with sufficient rails on each side, and boarded up twelve inches high from the floor of said Bridge, for the safety of passengers travelling thereon; and the same shall be kept in good repair at all times.

And for the purpose of reimbursing the said Proprietors the money by them expended in building and supporting said Bridge,

Toll established.

SECT. 4. *Be it further enacted*, That a toll be, and hereby is granted and established for the sole benefit of the said Proprietors, according to the rates following, viz. For each foot passenger, *three cents*; for each horse and rider, *seven cents*; for each horse and chaise, chair or sulkey, *sixteen cents*; for each coach, chariot, phaeton or other four-wheeled carriage for passengers, *thirty-three cents*; for each curricule, *twenty-five cents*; for each sleigh, drawn by one horse, *ten cents*, and if drawn by more than one horse, *twelve and an half cents*; for each cart, sled or other carriage of burthen, drawn by one beast, *ten cents*, if drawn by two beasts, *sixteen cents*; and if drawn by more than two beasts, *twenty cents*; for each horse without a rider, and for neat cattle, *three cents* each, and for sheep and swine, *one cent* each; and one person and no more shall be allowed to each team as a driver to pass free of toll: And all persons who shall have occasion to pass said Bridge, to perform military duty, shall pass free of toll; and the toll shall commence on the day of the first opening of said Bridge, and shall continue for the term of seventy years; and at the place where the toll shall be received, there shall be erected and constantly exposed to view a sign-board, with the rates of toll fairly and legibly written or printed thereon in large letters; and the said Corporation, at the time of opening said Bridge, shall cause a true and just account of the expenses thereof, and at the end of every three years thereafterwards, a just and true account of all receipts and disbursements, to be returned into the office of the Secretary of this Commonwealth: And after fifty years from the opening said Bridge, the General Court may regulate the rates of toll receivable thereat.

Amount of expenses, receipts and disbursements to be exhibited.

Time for building Bridge limited.

SECT. 5. *And be it further enacted*, That if the said Proprietors shall neglect, for the space of six years from the passing of this Act, to build and erect said Bridge, then this Act to be void and of no effect.

[This Act passed *March 2, 1803.*]

An ACT for incorporating certain Persons for the Purpose of laying out and making a Turnpike Road from *Medford* to *Charlestown Neck*, and for supporting the same.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Benjamin Hall, John Brooks, Fitch Hall, Ebenezer Hall, 2d. and Samuel Buel, and all such persons as are or shall be associated with them, and their successors, shall be a Corporation by the name of The Medford Turnpike Corporation; and shall by that name sue and be sued, and enjoy all the privileges and powers which are by law incident to Corporations, for the purpose of laying out and making a turnpike road from the easterly side of the road, nearly opposite to Doctor Luther Stearns's house in Medford, and running easterly of Winter Hill and Plowed Hill, to the east side of the road, opposite to Page's tavern, near the neck in Charlestown, and for keeping the same in repair: Provided, That if the said Corporation shall neglect to complete the said turnpike road for the space of three years after the passing of this Act, the same shall be void: Provided however, That if the said road should be laid out across any grounds, the privileges of which have been heretofore granted by law to the Proprietors of the Middlesex Canal for the purpose of cutting a canal, the Proprietors of the said Medford turnpike road shall be obliged to make any extra bridge or bridges across the said canal, or extra sluices, which shall be rendered necessary by the formation of the said turnpike road, and to keep the same in repair.*

Course of the road.

Proviso respecting Middlesex Canal.

SECT. 2. *And be it further enacted, That the said Benjamin Hall, John Brooks, Fitch Hall, Ebenezer Hall, 2d. and Samuel Buel, or any three of them, may, by an advertisement in the Columbian Centinel, call a meeting of the said Proprietors, to be holden at any suitable time and place after fifteen days from the publication of the advertisement; and the said Proprietors, by vote of the majority of those present, shall choose a Clerk, who shall be sworn to the faithful performance of his duty; and shall also agree on a method of calling future meetings; and at the same or any subsequent meeting may make and establish any rules and regulations that shall be necessary or convenient for regulating the said Corporation, for effecting, completing and executing the purposes aforesaid, or for collecting the toll hereafter granted; and the same rules and regulations may cause to be kept and executed, or for the breach thereof may order and enjoin fines not exceeding thirteen dollars and thirty-three cents for any breach thereof: Provided,*

First meeting how to be called. Clerk to be chosen; rules established, &c.

vided such rules and regulations are not repugnant to the laws or Constitution of this Commonwealth : And the said Proprietors may also choose and appoint any other officer or officers of the Corporation that they may deem necessary ; and all representations at any meeting shall be proved in writing, signed by the person making the same, which shall be filed with and recorded by the Clerk ; and this Act, and all rules, regulations and votes of the said Corporation shall be fairly and truly recorded by the said Clerk, in a book or books for that purpose to be provided and kept.

SECT. 3. *And be it further enacted*, That the said turnpike road shall be laid out not less than three rods wide on the up-land, nor more than six rods wide on the marsh, and the path to be travelled in not less than twenty-four feet wide in any place : And when the said road shall be sufficiently made and approved of by a Committee of the Court of General Sessions of the Peace for the county of *Middlesex*, to be appointed for that purpose, then the said Turnpike Corporation shall be, and hereby is authorized to erect a turnpike gate or gates in some convenient place or places on said road for collecting the toll, such as shall be determined on by said Corporation and approved by the aforesaid Committee, and shall be entitled to receive from each traveller or passenger the following rate of toll, to wit : For every coach, chariot, phaeton or other four-wheeled carriage for the conveyance of persons, drawn by not more than two horses, *ten cents*, and if drawn by more than two horses, an additional sum of *two cents* for each horse ; for every cart, waggon, sleigh, or sled, or other carriage of burden, drawn by not more than three cattle, *six cents*, and if by more than three, an additional sum of *two cents* for every additional ox or horse ; for every curricle, *eight cents* ; for every cart, drawn by one horse, *four cents* ; for every sleigh for the conveyance of persons, drawn by two horses, *six cents*, and if drawn by more than two horses, an additional sum of *two cents* for each horse ; for every sled or sleigh, drawn by one horse, *four cents* ; for every chaise, chair, or other two-wheeled carriage, drawn by one horse, *six cents* ; for every man and horse, *two cents* ; for all oxen, horses and neat cattle, led or driven, besides those in carriages and teams, *five mills* ; for all sheep and swine, *two cents* by the dozen, and in the same proportion for a greater or less number : *Provided*, That nothing in this Act shall authorize said Corporation to demand toll of any person who shall be passing with their horse or carriage to or from his usual place of public worship, or with his horse, team or cattle to or from the common labours of his farm ; and that when no toll-gatherer shall be present at said gate to receive the toll, the said gate shall be left open, and travellers be permitted to pass freely.

SECT.

Dimensions of
the road pre-
scribed ; and
the rates of
toll established.

Exemptions
from toll.

SECT. 4. *And be it further enacted*, That the said Corporation shall, at the place where the toll is collected, erect and keep constantly exposed to view, a sign or board, with the rates of toll of all the tollable articles fairly and legibly written thereon.

Sign-board to be erected.

SECT. 5. *And be it further enacted*, That said Corporation may purchase and hold any land over which they may make said roads; and the Justices of the Court of General Sessions of the Peace in the county of *Middlesex* are hereby authorized, on application from the said Corporation, to lay out such road, or any part thereof, as, with the consent of said Corporation, they may think proper: And the said Corporation shall be holden to pay all damages which shall arise to any person by taking his land for such road, where it cannot be obtained by voluntary agreement, to be estimated by a Committee appointed by the Court of General Sessions of the Peace in the county of *Middlesex*, saving to either party a right of trial by Jury, according to the law which makes provision for the recovery of damages happening by laying out public highways.

Court of Sessions to lay out the road.

SECT. 6. *And be it further enacted*, That if the said Corporation, or their toll-gatherer, or others by them employed, shall unreasonably delay or hinder any passenger or traveller at the said gate, or shall demand or receive more toll than is by this Act established, the Corporation shall forfeit and pay a sum not exceeding *ten dollars*, nor less than *two dollars*, to be recovered before any Justice of the Peace of the said county of *Middlesex*, by any person injured, delayed or defrauded, in a special action of the case; the writ in which shall be served on said Corporation by leaving a copy of the same with the Treasurer, or some individual member of said Corporation living in said county, or by reading the same to the said Treasurer or member, at least seven days before the day of trial; and the Treasurer of said Corporation, or individual member, shall be allowed to defend the same suit in behalf of the said Corporation: And the said Corporation shall be liable to pay all damages that shall happen to any person from whom the toll is demanded, for any damage which shall arise from the defect of bridges or want of repairing said road; and shall also be liable to presentment by the Grand Jury for not keeping the same in good repair.

Penalty for delinquent laying passengers.

SECT. 7. *And be it further enacted*, That if any person shall cut or break down, or otherwise destroy said gate, or shall dig up or carry away any earth from the said road, or in any manner damage the same, or shall forcibly pass, or attempt to pass by force the said gate, without having first paid the legal

gal

Penalty for in- gal toll at such gate, such person shall forfeit and pay a fine
juring the road. not exceeding *fifty dollars*, and not less than *ten dollars*, to be
recovered by the Treasurer of said Corporation, to their use,
in an action of trespass on the case: And if any person with
a team, cattle or horses, shall turn out of said road to pass the
turnpike gate aforesaid, and again enter said road, with an at-
tempt to avoid any toll established as aforesaid, such person
shall forfeit and pay three times as much as the legal toll at
such gate established aforesaid, to be recovered by the Treas-
urer aforesaid, to the use of said Corporation, by an action of
debt.

Penalty for
improperly e-
vading the toll.

Shares consid-
ered personal
estate; with
mode of at-
tachment and
execution.

SECT. 8. *And be it further enacted*, That the shares in said
road shall be deemed personal estate to all intents and purpo-
ses; and shall be transferable by deed duly acknowledged be-
fore any Justice of the Peace, and recorded by the Clerk of
said Corporation, in a book to be kept for that purpose: And
when any share shall be attached on *mesne process*, or taken in
execution, an attested copy of such writ of attachment or exe-
cution shall, at the time of the attachment or taking in execu-
tion, be left with the Clerk of said Corporation, otherwise the
attachment or taking in execution to be void; and such shares
may be taken and sold by execution in the same manner as
other personal estate; and the officer or judgment creditor
leaving a copy of such execution, with the return thereon, with
the Clerk of said Corporation, within fourteen days after such
sale, and paying for the recording thereof, shall be deemed a
sufficient transfer of the same.

SECT. 9. *And be it further enacted*, That whenever any
Proprietor shall neglect or refuse to pay any tax or assessment,
duly voted and agreed upon by the said Corporation, to their
Treasurer, within thirty days after the time set for the pay-
ment thereof, the Treasurer of the said Corporation is hereby
authorized to sell at public vendue the share or shares of such
delinquent Proprietor, one or more, as shall be sufficient to de-
fray said tax and necessary incidental charges, after duly noti-
fying in one newspaper printed in *Boston*, the sum due on such
shares and the time and place of sale, at least thirty days pre-
vious to the time of sale; and such sale shall be a sufficient
transfer of such share or shares so sold to the person purchas-
ing the same; and on producing a certificate from the Treas-
urer with the number of shares so sold, shall be by the Clerk
entered on the books of the said Corporation; and such per-
son shall be considered to all intents the Proprietor thereof;
and the overplus, if any there be, shall be paid by the Treas-
urer to the person whose shares were then sold.

Shares of delin-
quent Propri-
etors to be
fold.

Right of vot-
ing.

SECT. 10. *And be it further enacted*, That every Proprie-
tor in the said turnpike road, or his agent duly authorized in
writing,

writing, shall have a right to vote in all meetings of the said Proprietors, according to his number of shares in the same : *Provided*, That no Proprietor shall be entitled to more than ten votes.

SECT. 11. *And be it further enacted*, That the General Court may dissolve said Corporation whenever it shall appear to their satisfaction, that the income arising from the toll shall have fully compensated the said Corporation for all monies they may have expended in purchasing, laying out, making, repairing, and taking care of said road, together with an interest thereon at the rate of *twelve per centum* by the year ; and thereupon the property of the said road shall be vested in this Commonwealth, and be at their disposal ; and that the books of the said Corporation shall at all times be subject to the inspection of a Committee to be appointed by the General Court, when called for.

SECT. 12. *And be it further enacted*, That the said Corporation be, and is hereby empowered to commute the rate of toll with any person or persons, by taking of him or them any certain sum annually, or for a less time, to be mutually agreed on, in lieu of the toll established in and by this Act.

SECT. 13. *And be it further enacted*, That the said Corporation be, and hereby is authorized to purchase and hold other real estate, adjacent or near to, and for the accommodation of the said road, to the amount of *six thousand dollars*.

[This Act passed *March 2, 1803.*]

An ACT to authorize the inhabitants of the Second Parish in *Portland*, to tax the Pews and Seats in their Meeting-House ; and to make valid certain former Proceedings of said Parish, and for other Purposes in said Act mentioned.

Additional Act,
March 7, 1804.

WHEREAS the inhabitants of the second parish in *Portland* have petitioned the Legislature to establish and make valid in law their parish meetings, heretofore held in pursuance of notifications and warrants made by the Committees or Assessors of the same parish, which are considered to be informal and not such warrants to call meetings as the law requires ; more especially to establish the annual meeting held in *April* last ; and also to establish and make valid the several assessments heretofore made on the pews in their meeting-house in said *Portland*, by virtue of a law passed the fourteenth day of *February*, Anno Domini, 1789, which law is found insufficient for the purpose ; and to authorize the said inhabitants to tax the pews and seats in their said meeting-house ;

Preamble.

house; and also further to authorize *Lemuel Weeks, John Bagley, Joseph H. Ingraham, John Thrasber, Joseph McLellan, Abner Lowell, William Bond, and Thomas Sandford*, who, together with *Joseph Jewett* and *John Fox*, now deceased, were appointed a Committee by said parish in the year of our Lord 1788, to purchase land to build the meeting-house of said parish upon, and who by mistake took the land to themselves and their heirs, together with *Ruth Jewett*, the administratrix of said *Joseph Jewett*, and *Sarah Fox*, the administratrix of said *John Fox*, to convey or release said land so purchased by them the said inhabitants, so that said inhabitants may hold the same land, and the present respective owners of the pews may hold the same pews in as full and ample a manner as though the said deed had been originally conveyed to the parish:

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the several parish meetings aforesaid, heretofore held by the said inhabitants, called by the said Committee or Assessors in manner aforesaid, be considered as duly called, and the same meetings and the proceedings therein, be made valid and effectual in law, so far as it respects the manner of calling the same, notwithstanding any informality in said notifications or warrants, or in summoning said inhabitants; and that the summoning or warning said inhabitants to hold their annual meeting in *April* last, and the warrant for that purpose by the assessors of said parish be, and is hereby made good and valid in law, notwithstanding the meeting at which said assessors were chosen might not have been called as the law requires.

SECT. 2. *And be it further enacted,* That the several assessments made by the assessors of said parish, on the pews in their said meeting-house, or partly on the said pews, and partly on the polls and estates of said inhabitants as aforesaid, be considered as duly assessed; and that the several collectors duly chosen to collect the same be, and they are hereby fully authorized to collect the respective bills to them committed, and in default of payment thereof, to sell the said pews as other real estate is sold for taxes; and if need be, other estate as the law directs.

SECT. 3. *And be it further enacted,* That the inhabitants of said parish have full power, and they are hereby authorized to tax the pews and seats in said meeting-house, or the said pews in part, and the polls and estate of the inhabitants of said parish in part, as they may deem proper, to defray the ministerial and other parish charges; whether the pews to be taxed wholly, or the pews in part, and the polls and estates in part, to be determined by said inhabitants at their annual meeting in *March* or *April*.

SECT.

SECT. 4. *And be it further enacted*, That *Ruth Jewett*, as she is administratrix on the estate of *Joseph Jewett*, deceased, and *Sarah Fox*, as she is administratrix on the estate of *John Fox*, deceased be, and they are hereby fully authorized, together with the said *Weeks, Bagley, Ingraham, Thrasher, McLellan, Lowell, Bond, and Sandford*, to convey and release the land purchased by them as aforesaid, to the inhabitants, so that said inhabitants may hold the land, and the owners of the pews in their said meeting-house may hold their respective pews in as full and ample a manner as though the said land had been given to said inhabitants at the first.

SECT. 5. *And be it further enacted*, That the Assessors and the other officers of said parish, chosen at their said annual meeting in *April* last be, and they are hereby declared duly chosen; and that the meetings that have been, and shall in future be called by said Assessors agreeably to law, shall be considered duly called.

[This Act passed *March 3, 1803.*]

An ACT for incorporating certain Persons for the Purpose of laying out and making a Turnpike Road from *Quincy Meeting-House* to a Place called *Queen Ann's Corner*, on the Borders of *Hingham* and *Scituate*, for building the necessary Bridges on said Road, and for supporting the same.

WHEREAS the making of the said road and bridges will be of great public convenience and utility, and *Cotton Tufts, Esq.* and others, have petitioned this Court for an Act of incorporation, to empower them to lay out and make said road, and erect and build said bridges, and have subscribed to a fund for that purpose: Therefore,

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Cotton Tufts, Ebenezer Thayer, Eliphalet Loud, Minott Thayer, Cotton Tufts, jun. Gideon L. Thayer, John Tirrel, John White, Ezra Pratt, Asa White, David P. Hayward*, and all such persons as are or shall be associated with them, and interested in said fund, and their successors, shall be a Corporation by the name of *The Braintree and Weymouth Turnpike Corporation*; and shall by that name sue and be sued; and shall have a common seal, and enjoy all the privileges and powers which are by law incident to a Corporation, for the purpose of laying out and making a turnpike road, and building the bridge or bridges aforesaid, and keeping the same in repair; that is to say, a road beginning at *Brackett's Corner*, in *Quincy*, so called; thence to be continued

to

to or near the head of *Hayward's Creek*, in *Braintree*; thence to the west end of *Minott Thayer's* wharf, opposite to *Thomas's Point*, in said *Braintree*; thence to or near the west end of *Cotton Tufts*, jun's. store, in *Weymouth*; from said west end of said store, to or near the west end of *Whitman's Pond*, so called, in said *Weymouth*; from thence to or near the north-east end of *Accord Pond*, so called; from thence to or near the aforesaid *Queen Ann's Corner*, on the borders of *Hingham* and *Scituate*; and of building a bridge over said *Hayward's Creek* aforesaid, if such should be found necessary; and also of building a bridge over the river from the said west end of said *Minott Thayer's* wharf to said *Thomas's Point*, so called.

Dimensions of
the road.

SECT. 2. *And be it further enacted*, That the same turnpike road shall be laid out and made by the said Corporation of sufficient width in every part thereof for the accommodation of the public; that is to say, said road shall not be more than four rods wide nor less than three rods wide, and the part to be travelled on not less than twenty-four feet in width in any place; and when the said turnpike road shall be sufficiently made, from said *Brackett's Corner* to said *Tufts' store*, and the bridge or bridges within said route shall be sufficiently built and made, and shall be so allowed by the Justices of the Supreme Judicial Court, at any term thereof, in any county of this Commonwealth, then the said Corporation shall be authorized to erect a turnpike gate on the same, between said *Brackett's Corner* and said *Tufts' store*, in such manner and place as shall be thought necessary and convenient, so that said gate be not erected on any old travelled road; and shall be entitled to receive from each passenger and traveller, the following rate of toll, viz. For every coach, phaeton, chariot or other four-wheel carriage, for the conveyance of persons, drawn by two or more horses, *twenty-five cents*; for every curricule, *seventeen cents*; for every cart, waggon, sled or sleigh, drawn by two oxen or horses, *ten cents*, and if drawn by more than two, an additional sum of *two and one half cents* for each additional horse or ox; for every chaise, chair or other carriage, drawn by one horse, *ten cents*, and for every additional horse, *two and one half cents*; for every sled or sleigh, drawn by one horse, *six and one quarter cents*, and for every additional horse, *two cents and one half*; for every man and horse, *five cents*; for every man and wheelbarrow, hand-cart, or other vehicle, capable of carrying a like weight, *three cents*; and for all horses, mules or cattle, led or driven, besides those in carriages, *one cent* each; for all sheep and swine, *three cents* per dozen, and in that proportion for a greater or less number.

Toll establish-
ed.

SECT. 3. *And be it further enacted*, That when said road shall be sufficiently made, from said *Tufts' store* to or near said *Queen Ann's Corner*, and shall be so allowed and accepted by the

the said Justices as aforesaid, then the said Corporation shall be authorized to erect another turnpike gate on the same, between said *Tustis'* store and said *Queen Ann's Corner*, in such place and manner as shall be necessary and convenient, so that said gate be not erected on any old travelled road; and shall be entitled to receive from each passenger and traveller the rates of toll established at the other gate as aforesaid.

Additional
gate allowed.

SECT. 4. *Provided also, and be it further enacted*, That said bridge, to be erected from said west end of said *Minott Thayer's* wharf to said *Thomas's Point* shall be well built, at least twenty-eight feet wide, of good and suitable materials, and be well covered with plank or timber on the top suitable for such a bridge, with sufficient rails on each side for the safety of passengers; and the same shall be kept in good, safe and passable repair: And the said bridge shall have, at a suitable place, a good draw or passage-way thirty feet wide, which shall be constantly attended, and at all times be opened by the Proprietors of said Corporation when required, through which vessels may pass both by day and by night without toll: And the said Corporation shall keep six lamps properly placed on said bridge, which shall be constantly supplied with oil, and kept burning from night fall till twelve of the clock, and those at the draw during the whole night, excepting at such times when the river shall be frozen over, or the tide so low that vessels cannot pass in the channel.

Where & how
the Bridge is
to be built.

SECT. 5. *And be it further enacted*, That if said Corporation, or their toll-gatherer, or others in their employ, shall unreasonably delay or hinder any traveller or passenger at either of said gates, or shall demand or receive more toll than is by this Act established, the said Corporation shall forfeit and pay a sum not exceeding *ten dollars* nor less than *two dollars*, to be recovered before any Justice of the Peace of the county where the offence shall be committed, by any person injured, delayed or defrauded, in a special action of the case; the writ in which shall be served on said Corporation, by leaving a copy of the same with the Treasurer, or with some individual member, seven days at the least before the trial; and the Treasurer of said Corporation, or individual, shall be allowed to defend the same suit in behalf of the said Corporation: And the Corporation shall be liable to pay all damages that shall happen to any person from whom the toll is demandable, for any damage which shall arise from defect of bridges or want of repairs in said way; and shall also be liable to presentment by the Grand Jury, for not keeping the same in good repair.

Penalty for de-
laying passen-
gers.

Corporation li-
able for dama-
ges by the
road not being
in repair.

SECT. 6. *And be it further enacted*, That if any person shall cut, break down or otherways injure or destroy either of said turnpike gates, or shall dig up or carry away any earth from
said

Penalty for in-
juring the road.

said road, or in any manner damage the same, or shall forcibly pass, or attempt to pass the said gates or bridges by force, without having first paid the legal toll at such gate, or shall carry on said road any load of stones of a greater weight than two tons, cart or waggon included, upon wheels less than nine inches wide, such person shall forfeit and pay a fine not exceeding *fifty dollars* nor less than *two dollars*, to be recovered by the Treasurer of said Corporation to their use, in an action of trespass, or a special action on the case: And if any person with his team, cattle or horse, shall turn out of said road to pass any of the turnpike gates, and again enter on the said road, with intent to evade the toll due by virtue of this Act, such persons shall forfeit and pay three times so much as the legal toll would have been, to be recovered by the Treasurer of the said Corporation, to the use of the same, in an action of debt, or a special action on the case: *Provided*, That nothing in this Act shall extend to entitle the said Corporation to demand and receive toll of any person who shall be passing with his horse or carriage to or from public worship, or with his horse, team or cattle, to or from his common labour on his farm, or to and from any grist-mill, or on the common and ordinary business of family concerns, or from any person or persons passing on military duty.

Exemptions
from toll.

Shares consid-
ered personal
estate.
Mode of at-
tachment, &c.

SECT. 7. *And be it further enacted*, That the shares in the same turnpike road shall be taken, deemed and considered to be personal estate, to all intents and purposes, and shall and may be transferable; and the mode of transferring said shares shall be by deed, acknowledged before any Justice of the Peace, and recorded by the Clerk of said Corporation in a book for that purpose to be provided and kept: And when any share shall be attached on *mesne process*, or taken in execution, an attested copy of such writ of attachment or execution shall, at the same time of the attachment or taking in execution, be left with the Clerk of the Corporation, otherwise the attachment or taking in execution shall be void; and shares may be sold on execution in the same manner as is or may by law be provided for making sale of personal property on execution; the officers making the sale, or the judgment creditor, leaving a copy of the execution and the officer's return on the same, with the Clerk of said Corporation, within fourteen days after such sale, and paying for the recording of the same, shall be deemed and considered as a sufficient transfer of such share or shares in the same turnpike road.

First meeting
where to be
held; and the
business to be
transacted.

SECT. 8. *And be it further enacted*, That the first meeting of the said Corporation shall be held at the house of *John Newcomb*, in *Quincy*, on the second Tuesday of *March* next, for the purpose of choosing a Clerk, who shall be sworn to the faithful discharge of the duties of his said office, and such other officers

officers as may then and there be agreed upon by the said Corporation; and the said Corporation may then establish such rules and regulations as shall be judged necessary for the better management of its affairs, *provided* such regulations shall not be repugnant to the Constitution and laws of this Commonwealth; and the said Corporation may at the same time agree upon a method for calling future meetings.

SECT. 9. *And be it further enacted,* That the said Corporation shall, within six months after their toll shall commence at either of the said gates, lodge in the Secretary's office an account of all expense incurred in making said road and bridges, previous to the taking toll at such gate; and within six months after said turnpike road and bridges shall be completed, lodge in said office an account of the expenses of the whole of said road and bridges; and that the said Corporation shall annually exhibit to the Governor and Council a true account of the income or dividend arising from the said toll, with their necessary annual disbursements on said road; and that the books of the said Corporation shall at all times be subject to the inspection of a Committee to be appointed by the General Court, or to the inspection of the Governor and Council when called for.

Statement of the whole expense and of the annual receipts and disbursements to be exhibited.

SECT. 10. *And be it further enacted,* That whenever any Proprietor shall neglect or refuse to pay any tax or assessment, duly voted and agreed upon by the said Corporation, to their Treasurer, within thirty days after the time set for the payment thereof, the Treasurer of the said Corporation is hereby authorized to sell at public vendue, the share or shares of such delinquent Proprietor, one or more, as shall be sufficient to defray said taxes, and necessary incidental charges, after duly notifying in one newspaper printed in *Boston* by the printers of the General Court, the sum due on such shares, and the time and place of sale, at least thirty days previous to the time of sale; and such sale shall be a sufficient transfer of the share or shares sold, to the person purchasing the same; and on producing a certificate of such sale, from the Treasurer to the Clerk of said Corporation, the name of such purchaser, with the number of shares sold, shall be by the Clerk entered on the books of the said Corporation, and such person shall be considered to all intents and purposes the Proprietor thereof; and the overplus, if any there be, shall be paid on demand, by the Treasurer, to the person whose share or shares were sold.

Shares of delinquent Proprietors to be sold.

SECT. 11. *And be it further enacted,* That the said Corporation shall, at all places where the said toll shall be collected, erect and keep constantly exposed to view, a sign or board, with the rates of toll of all the tollable articles fairly and legibly written thereon in large or capital letters.

Sign-board to be erected.

SECT.

The General Court may dissolve the Corporation. **SECT. 12.** *And be it further enacted,* That the General Court may dissolve said Corporation, whenever it shall appear to their satisfaction, that the income arising from said toll shall have fully compensated the said Corporation for all monies they may have expended in purchasing, repairing and taking care of the said road, together with an interest thereon, at the rate of *twelve per centum* by the year, and thereupon the property of the said road shall be vested in this Commonwealth, and be at their disposal.

Right of voting. **SECT. 13.** *And be it further enacted,* That every Proprietor in the said turnpike road, or his agent duly authorized in writing, shall have a right to vote in all meetings of the said Corporation, and be entitled to as many votes as the Proprietor has shares in the same, *provided* his number of shares do not exceed ten; but no Proprietor shall be entitled to more than ten votes for any greater number of shares he may possess.

Corporation allowed to take and hold lands. **SECT. 14.** *And be it further enacted,* That said Corporation may purchase and hold any land over which they may make said road; and the said Corporation are empowered and authorized to employ a sworn Surveyor to lay out said road, or any part thereof: And the said Corporation shall be holden to pay all damages which shall arise to any person by taking his land for such road, where it cannot be obtained by voluntary agreement, to be estimated by a Committee appointed by the Court of General Sessions of the Peace in the county in which said damage shall arise, saving to either party a right of trial by Jury, according to the law which makes provision for the recovery of damages happening by laying out public highways.

The rate of toll may be computed. **SECT. 15.** *And be it further enacted,* That the said Corporation be, and it is hereby empowered to commute the rate of toll with any person, or with the inhabitants of any town through which their turnpike road is made, by taking of him or them any certain sum annually, or for a less time, to be mutually agreed on in lieu of the toll established in and by this Act.

Corporation allowed to grant monies to certain persons. **SECT. 16.** *And be it further enacted,* That the said Corporation is hereby allowed to grant monies to such persons as rendered services to the Proprietors, in exploring the route of the turnpike road, or otherwise, previous to the Act of incorporation: And the said Corporation is hereby authorized to purchase and hold other real estate, adjacent to, and for the accommodation of the said road, to the amount of *six thousand dollars*.

Time for making road limited. **SECT. 17.** *And be it further enacted,* That if the said Proprietors shall neglect or refuse, for the space of four years after the passing of this Act, to build the said bridge or bridges, and to make the said turnpike road, then this Act shall be void and of no effect.

[This Act passed *March 4, 1803.*]

An ACT establishing *The Chester Turnpike Corporation.* Additional Act,
June 21, 1803.

SECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That David Mack, William Sizer, and Charles Plumb, and all such persons as shall be associated with them and their successors, be, and they hereby are constituted a Corporation, by the name of The Chester Massachusetts Turnpike Corporation, for the purpose of laying out and making a turnpike road, from the forks of the road in Partridgefield west parish, a few rods west of the new meeting-house there, leading to Middlefield meeting-house; thence to Chester meeting-house; and thence to Parley Cook's, in said Chester, near the west branch of Westfield River, and for keeping the same in repair, in such place or places as are laid down in a plan of the said proposed turnpike road; which road shall not be less than four rods wide, and the path to be travelled on not less than twenty-two feet in width in any place where it is practicable, and well guarded with railings in dangerous places: And when the said turnpike road shall be sufficiently made, and shall be so allowed and approved by a Committee to be appointed by the Justices of the Court of Common Pleas for the county of Hampshire, then the said Corporation shall be authorized to erect one turnpike gate on the same, in such place as shall be necessary and convenient; and shall be entitled to receive from each traveller and passenger at said gate, the following rates of toll, viz. For every coach, phaeton, chariot, or other four-wheel carriage, drawn by two horses, twenty-five cents, and if drawn by more than two horses, an additional sum of three cents for each horse; for every cart, waggon, sled or sleigh, drawn by two horses, ten cents, and if drawn by more than two, an additional sum of three cents for every such ox or horse; for every curricule, fifteen cents; for every chaise, chair or other carriage or cart, drawn by one horse, twelve cents and five mills; for every man and horse, five cents; for all oxen, horses and neat cattle, led or driven, besides those in teams and carriages, one cent each; for all sheep and swine, three cents by the dozen, and in that proportion for any number: Provided, That nothing in this Act shall extend to entitle the said Corporation to demand and receive toll of any person who shall be passing with his horse, team or carriage to or from public worship, or with his horse, team or cattle, to or from his common labour on his farm, or to or from any grist-mill, or on the common or ordinary business of family concerns within the same town, or from any person or persons passing on military duty, or to or from any funeral: Provided also, That the said Corporation may, if they see fit, commute the rate of toll with any of the inhabitants of any town through which the said road*

Course of the road.

Toll established.

Exemptions from toll.

Commutation of toll allowed.

road passes, by taking of him or them any certain sum annually, to be mutually agreed on in lieu of the toll established in and by this Act.

Corporation may purchase or take land, paying for damage.

SECT. 2. *And be it further enacted,* That the said Corporation may purchase and hold any land over which they may make the said road; and the Justices of the Court of General Sessions of the Peace in the county where the land lies, are hereby authorized, on application from the said Corporation, to lay out such road, or any part thereof within their respective jurisdictions, as with the consent of the said Corporation they may deem proper: And the said Corporation shall be holden to pay all damages which shall arise to any person by taking his land for such road, where it cannot be obtained by voluntary agreement, to be estimated by a Committee to be appointed by the said Court, saving to either party the right of trial by Jury, according to the law which makes provision for the recovery of damages happening by the laying out public highways.

Penalty for delaying travellers.

SECT. 3. *And be it further enacted,* That if the said Corporation, their toll-gatherer, or others in their employ, shall unreasonably delay or hinder any traveller or passenger at the said gate, or shall demand or receive more toll than is by this Act established, the Corporation shall forfeit and pay a sum not exceeding *ten dollars* nor less than *one dollar*, to be recovered before any Justice of the Peace of the county wherein the offence shall be committed, by any person hindered, delayed or defrauded, in a special action on the case; the writ in which shall be served on the Corporation, by leaving a copy of the same with the Treasurer or with some member of the Corporation living in the county wherein the action may be brought, at least seven days before the day of trial; and the Treasurer or such member shall be allowed to defend the same suit in behalf of the Corporation: And the Corporation shall be liable to pay all damages which shall happen to any person from whom toll is by this Act demandable, for any damages which arise from defect of bridges, or want of repairs within the same way; and shall also be liable to a fine on presentment of the Grand Jury for not keeping the same way, or the bridges thereon, in good repair.

— for injuring the gate, or passing by force.

SECT. 4. *And be it further enacted,* That if any person shall cut, break down or destroy the said turnpike gate, or shall forcibly pass, or attempt by force to pass the same, without having first paid the legal toll at said gate, such person shall forfeit and pay a fine not exceeding *fifty dollars* nor less than *two dollars*, to be recovered by the Treasurer of the said Corporation to their use, in an action of trespass: And if any person shall, with his cattle, team, carriage or horse, turn out of the said road to pass the said turnpike gate, on ground adjacent

cent thereto, and again enter on said road, with intent to avoid the toll due by virtue of this Act, such person shall forfeit and pay *one dollar*, to be recovered by the Treasurer of the said Corporation to the use thereof, in an action of debt or on the case.

SECT. 5. *And be it further enacted*, That the shares in the same turnpike road shall be taken, deemed and considered to be personal estate to all intents and purposes, and shall and may be transferable; and the mode of transferring said shares shall be by deed, acknowledged before any Justice of the Peace, and recorded by the Clerk of the said Corporation, in a book kept for that purpose: And when any of said shares shall be attached on *mesne process*, an attested copy of such process shall, at the time of the attachment, be left with the Clerk of the said Corporation, otherwise such attachment shall be void; and such shares may be sold on execution in the same manner as is or may by law be provided for the sale of personal property by execution, the officer making sale, or the judgment creditor, leaving a copy of the execution, and of the officer's return on the same, with the Clerk of the said Corporation, within ten days after such sale, and paying for the recording of the same.

Shares deemed personal estate, and mode of transfer and attachment.

SECT. 6. *And be it further enacted*, That a meeting of the said Corporation shall be held at the house of *Daniel Blyss*, innholder in *Middlefield* aforesaid, on the second Monday of *April*, for the purpose of choosing a Clerk, and such other officers as may then and there be agreed upon by the said Corporation, for regulating the concerns thereof; and that the said Corporation may then and there agree upon such method of calling meetings in future as they may judge proper.

First meeting to be called, & officers chosen.

SECT. 7. *And be it further enacted*, That the said Corporation shall, within six months after the said road is completed, lodge in the Secretary's office an account of the expenses thereof; and that the said Corporation shall annually exhibit to the Governor and Council a true account of the income or dividend arising from the said toll, with their necessary annual disbursements on said road; and that the books of the said Corporation shall at all times be subject to the inspection of a Committee to be appointed by the General Court, or to the inspection of the Governor and Council when called for.

An estimate of receipts and expenses to be exhibited.

SECT. 8. *And be it further enacted*, That whenever any Proprietor shall neglect or refuse to pay any tax or assessment duly voted and agreed upon by the Corporation, to their Treasurer, within sixty days after the time set for the payment thereof, the Treasurer of said Corporation is hereby authorized to sell at public vendue, the share or shares of such delinquent Proprietor, one or more, as shall be sufficient to defray said taxes and necessary incidental charges, after duly notifying in the newspaper printed

Shares of delinquent Proprietors to be sold.

printed at *Northampton*, the sum due on any such shares, and the time and place of sale, at least twenty days previous to the time of sale; and such sale shall be a sufficient transfer of the share or shares so sold to the person purchasing; and on producing a certificate of such sale from the Treasurer to the Clerk of said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the books of the said Corporation; and such person shall be considered to all intents and purposes the Proprietor thereof; and the overplus, if any there be, shall be paid on demand by the Treasurer, to the person whose shares were thus sold.

Sign-board to
be erected.

SECT. 9. *And be it further enacted*, That the said Corporation shall, at the place where the said toll shall be collected, erect and keep constantly exposed to view, a sign or board, with the rates of toll of all the tollable articles fairly and legibly written thereon, in large or capital characters.

The Court may
dissolve the
Corporation.

SECT. 10. *And be it further enacted*, That the General Court may dissolve said Corporation, whenever it shall appear to their satisfaction that the income arising from the said toll shall have fully compensated the said Corporation for all monies they may have expended in purchasing, repairing and taking care of the said road, together with an interest thereon at the rate of *twelve per centum*, by the year; and thereupon the property of said road shall be vested in this Commonwealth, and be at their disposal: *Provided*, That if the said Corporation shall neglect to complete the said turnpike road, for the space of three years from the passing this Act, the same shall become void and of no effect.

And whereas the Directors of *The Third Massachusetts Turnpike Corporation*, have certified their consent to a division of toll at the gate in *Partridgefield*, (on the condition mentioned in their certificate) with the Corporation hereby established:

Division of cer-
tain toll with
the Third
Turnpike.

SECT. 11. *Be it therefore enacted, in pursuance of such consent*, That for the term of three years from and after the day on which the said *Chester Massachusetts Turnpike Corporation* shall be authorized to set up their gate, and until a new arrangement shall be made, the toll collected at the gate near the meeting-house in said *Partridgefield* shall be divided in manner following, viz. Two third parts thereof shall be retained to the use of *The Third Massachusetts Turnpike Corporation*, and the other third part thereof shall by their Directors be paid over to the Treasurer of the said *Chester Turnpike Corporation*, for their use, after a deduction shall have been made from the whole toll collected at said gate, of the expense of the toll-gate, fence and toll-gatherers, and of the expense of keeping the said turnpike road, and bridges thereon, in good repair, from the forks of the road near said meeting-house in *Partridgefield*, to the eastwardly line of the

the town of *Pittsfield*; and if, at the end of the said three years, either of the said Corporations shall be dissatisfied with the foregoing mode of division of toll, and of expenses, and cannot agree on any other, then it shall be lawful for the Justices of the Supreme Judicial Court, at any term thereof, on a petition of the major part of the Directors of either of the said Corporations, due notice of making such petition having been given to any Director of the other Corporation, thirty days at least before the first day of the term of holding such Court, to appoint a Committee of three disinterested and discreet men, unless the parties can agree to name and appoint them, who are hereby authorized to determine on a mode of such division of toll and expense; and the determination of the major part of such Committee, respecting such division, shall be made in writing and delivered to each of the parties, and shall be binding for the term of five years, and until another appointment shall be made in manner as is before provided; and so from time to time at the end or within three months of the end of every five years, when either party may request it, and the costs and charges of such appointment and determination shall be paid in moieties by the said Corporations: *Provided however*, That as the mode of division for the first three years has been agreed on from uncertain data, and as it is the intention of those concerned in said Corporations, to have such division made from time to time as will enable the said *Chester Massachusetts Turnpike Corporation* to receive their proportion of toll at the said gate in *Partridge-field*, in proportion to the sum collected of those travellers and passengers who shall have passed over the turnpike road to be made in virtue of this Act, it shall be the duty of such Committee, in making their determination, to govern themselves by such proportion, as far as the same can be ascertained.

Cause of dissatisfaction at this division after 3 years.

Provide.

[This Act passed *March 5, 1803.*]

An ACT to incorporate *William Phillips, jun. and others*, into a Company by the Name of *The New-England Marine Insurance Company*.

Additional Act, March 6, 1804.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said *William Phillips, jun. and others*, and all such persons as have already or shall become Stockholders in said Company, being citizens of the *United States*, be, and they hereby are incorporated into a Company and Body Politic, by the name of *The New-England Marine Insurance Company*, for and during the term of twenty years after the passing of this Act; and by that name may sue or be sued, plead or be impleaded, Time for which the Company is incorporated.

pleaded, appear, prosecute and defend to final judgment and execution; and have a common seal, which they may alter at pleasure; and may purchase, hold and convey any estate, real or personal, for the use of said Company, subject to the restrictions hereinafter mentioned.

Value & number of shares.

SECT. 2. *And be it further enacted,* That a share in the capital stock of said Company shall be *one hundred dollars*, and the number of shares shall be three thousand; and if the said number of shares are not already filled, subscriptions shall be kept open, under the inspection of the President and Directors of the said Company, until the same shall be filled; and the whole capital stock, estate or property which the said Company shall be authorized to hold, shall never exceed *three hundred thousand dollars*, exclusive of premium notes or profits arising from their business, of which capital stock or property not more than *thirty thousand dollars* shall be invested in real estate.

12 Directors to be chosen.

SECT. 3. *And be it further enacted,* That the stock, property, affairs and concerns of the said Company shall be managed and conducted by twelve Directors, one of whom shall be the President thereof, who shall hold their offices for one year, and until others shall be chosen, and no longer; which Directors shall, at the time of their election, be Stockholders, and citizens of this Commonwealth; and shall be elected on the first Monday in *January* in each and every year, at such times of the day, and at such place in the town of *Boston* as a majority of the Directors for the time being shall appoint, of which election public notice shall be given in at least two of the newspapers printed in the town of *Boston*, and continued for the space of ten days immediately preceding such election; and such election shall be holden under the inspection of three Stockholders, not being Directors, to be appointed previous to every election by the Directors; and shall be made by ballot by a majority of votes of the Stockholders present, allowing one vote to each share in the capital stock: *Provided*, no Stockholder shall be allowed more than thirty votes; and the Stockholders not present may vote by proxy, under such regulations as the Company shall prescribe: And if, in case of any unavoidable accident, the said Directors shall not be chosen on the first Monday of *January* as aforesaid, it shall be lawful to choose them on another day, in manner herein prescribed.

Each share entitled to a vote, with a proviso.

A President to be chosen.

SECT. 4. *And be it further enacted,* That the Directors so chosen shall meet as soon as may be after every election, and shall choose out of their body one person to be President, who shall preside until his successor shall be chosen, and shall be sworn faithfully to discharge the duties of his office; and in case of the death, resignation or inability to serve of the President or any Director, such vacancy or vacancies shall be filled, for

for the remainder of the year in which they shall happen, by a special election for that purpose, to be held in the same manner as is herein before directed respecting annual elections for Directors and President.

SECT. 5. *And be it further enacted,* That the President and six of the Directors or seven of them in his absence, shall be a Board competent to the transacting of business; and all questions before them shall be decided by a majority of votes; and they shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of said Company, and the transfer of the shares, and touching the duties and conduct of the several officers, clerks and servants employed, and the election of Directors, and all such matters as appertain to the business of insurance; and shall also have power to appoint a Secretary, and so many clerks and servants for the carrying on of said business, and with such salaries and allowances to them and to the President as to the said Board shall seem meet: *Provided,* That such by-laws, rules and regulations shall not be repugnant to the laws of this Commonwealth.

Board for transacting business; and their powers.

SECT. 6. *And be it further enacted,* That there shall be stated meetings of the Directors at least once in every month, and as often within each month as the President and Board of Directors shall deem proper; and the President, and a Committee of three of the Directors, to be by him appointed in rotation, shall assemble daily, if need be, for the dispatch of business: And the said Board of Directors, and the Committee aforesaid, at and during the pleasure of the Board, shall have power and authority on behalf of the Company, to make insurances upon vessels, freights, money, goods and effects, and against the captivity of persons, and on the life of any person during his absence by sea, and in cases of money lent upon *bottomry* and *respondentia*, and to fix the premiums and terms of payment: And all policies of insurance by them made shall be subscribed by the President, and in case of his death, sickness, inability or absence, by any two of the Directors, and countersigned by the Secretary, and shall be binding and obligatory upon the said Company, and have the like effect and force as if made under the seal of said Company; and the assured may thereupon maintain an action of the case against the said Company; and all losses duly arising under any policy so subscribed, may be adjusted and settled by the President and Board of Directors, and the same shall be binding on the Company.

Stated meetings of Directors.

What are to be insured, &c.

SECT. 7. *And be it further enacted,* That it shall be the duty of the Directors, on the second Monday of *June* and *December* in

every

Semi-annual dividends to be made.

Case of losses affecting the capital stock.

every year, to make dividends of so much of the interest arising from their capital stock, and the profits of said Company, as to them shall appear adviseable; but the monies received, and the notes taken for premiums on risks, which shall be undetermined and outstanding at the time of making such dividends, shall not be considered as part of the profits of the Company: And in case of any loss or losses, whereby the capital stock of the Company shall be lessened, each Proprietor or Stockholder's estate shall be held accountable for the deficiency that shall be due on his share or shares at the time of said loss or losses taking place, to be paid unto the said Company by assessments, or such other mode, and at such time or times as the Directors shall order; and no subsequent dividend shall be made, until a sum equal to such diminution shall have been added to the capital; and that once in every three years, and oftener if required by a majority of the votes of the Stockholders, the Directors shall lay before the Stockholders, at a general meeting, an exact and particular statement of the profits, if any there be, after deducting losses and dividends.

The Company not to trade; and the capital to be placed in certain funds.

SECT. 8. *And be it further enacted*, That the said Company shall not directly nor indirectly deal or trade in buying or selling any goods, wares, merchandize or commodities whatever; and the capital stock of said Company, after being collected at each instalment, shall within six months be invested either in the funded debt of the *United States*, or of this Commonwealth, or in the stock of the *United States' Bank*, or of any incorporated Bank of this Commonwealth, at the discretion of the President and Directors of said Company, or of other officers which the Stockholders shall for such purpose appoint.

Payment of instalments.

SECT. 9. *And be it further enacted*, That *fifty dollars* on each share in said Company shall be paid within twenty days after the first meeting of said Company, and the remaining sum due on each share within one year afterwards, at such equal instalments, and under such penalties as the said Company shall direct; and no transfer of any share in said Company shall be permitted, or be valid, until all the instalments on such share shall have been paid.

Directors of other Companies not eligible in this.

SECT. 10. *And be it further enacted*, That no person being a Director of any other Company carrying on the business of marine insurance, shall be eligible as a Director of the Company by this Act established.

Shares, &c. may be attached.

SECT. 11. *Be it further enacted*, That the property of any member of said Company, vested in the stock of said Company, with the dividend or dividends due thereon, shall be liable to attachment and execution in favour of any *bona fide* creditor, in manner following, viz. Whenever a proper officer, having a writ of attachment or execution against any such member, shall apply

apply with such writ or execution to the Secretary of said Company, it shall be the duty of said Secretary to expose the books of the Corporation to such officer, and furnish him with a certificate under his hand in his official capacity, ascertaining the number of shares the said member holds in said Company, and the amount of the dividend or dividends due thereon: And when any such share or shares shall be attached on *mesne process*, or taken in execution, an attested copy of such writ of attachment or execution shall be left with the said Secretary; and such share or shares may be sold on execution, after the same notification of the time and place of sale, and in the same mode of sale as other personal property; and it shall be the duty of the officer making such sale, within ten days thereafter, to leave an attested copy of the execution, with his return thereon, with the Secretary of the Company, and the vendee shall thereby become the Proprietor of such share or shares, and entitled to the same, and to all the dividends which shall have accrued thereon after the taking in execution as aforesaid, or when there shall have been a previous attachment, after such attachment, notwithstanding any intervening transfer.

Process of an execution, &c. when shares are attached.

SECT. 12. *And be it further enacted*, That in case of any loss or losses taking place, that shall be equal to the amount of the capital stock of said Company, and the President and Directors, after knowing of such loss or losses taking place, shall subscribe to any policy of insurance, their estates jointly and severally shall be accountable for the amount of any and every loss which shall take place under policies thus subscribed.

Case of losses affecting the capital stock.

SECT. 13. *And be it further enacted*, That the President and Directors of said Company shall, previous to their subscribing to any policy, and once in every year after, publish in two of the newspapers printed in the town of *Boston*, the amount of their stock, against what risks they mean to insure, and the largest sum they mean to take on any one risk.

Amount of stock, &c. to be annually published.

SECT. 14. *And be it further enacted*, That the President and Directors of said Company shall, when, and as often as required by the Legislature of this Commonwealth, lay before them a statement of the affairs of said Company, and submit to an examination under oath concerning the same.

Statement of affairs to be laid before the Legislature.

SECT. 15. *And be it further enacted*, That *William Phillips*, jun. *Aaron Dexter*, and *Daniel Dennison Rogers*, Esquires, or any two of them, are hereby authorized to call a meeting of the members of said Company as soon as may be, in *Boston*, by advertising the same for three weeks successively in two of the newspapers printed in said town, for the purpose of electing their first Board of Directors, who shall continue in office until the first Monday in *January*, one thousand eight hundred and four, and until others are chosen in their stead.

Persons authorized to call the first meeting.

[This Act passed *March 5, 1803.*]

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An ACT to incorporate a Religious Society, by the Name of *The First Parish in the Town of Charlestown.*

What inhabitants are included in the Corporation.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Proprietors of the appropriated pews in the meeting-house in *Charlestown*, situate on the westerly side of the main-street in said town, and all those who shall become Proprietors of pews in said house, and such of the inhabitants of the said town as do now usually attend the public worship of God, and the instructions of Dr. *Jedidiah Morse*, their Minister in said house be, and they hereby are made and declared to be a Body Corporate and Politic, by the name of *The First Parish in the Town of Charlestown*, subject to all the duties, and with all the powers, privileges and immunities to which parishes are by law entitled: And the said Corporation shall be deemed and taken to be successor to the parish which, before the passing of this Act, was called the first parish in said town, in all its rights, and subject to all the contracts and engagements into which it has entered.

How to become a member of this Corporation.

SECT. 2. *Be it further enacted,* That any inhabitant of said town, who will not, in virtue of the first section of this Act, become a member of the Corporation created by this Act, and who wishes and consents to become a member of said Corporation, and shall give in a certificate thereof to the Clerk of said Corporation, and shall unite in public worship with the members of said Corporation, for the term of one year from the time of his or her giving in his or her certificate as aforesaid, shall, at the expiration of said term, become and be considered a member of said Corporation.

How to leave this Corporation.

SECT. 3. *Be it further enacted,* That when any member of said Corporation shall be disposed to leave the same and unite in public worship with any other religious Society, and shall give in a certificate thereof to the Clerk of said Corporation, together with a certificate signed by the Minister of the parish or religious Society with which he or she may unite, that he or she has become a member of, and united in religious worship with such other parish or religious Society, and shall pay his or her proportion of all monies granted by said Corporation previously thereto, such person from and after the giving in of such certificates, shall not be considered a member of said Corporation.

SECT. 4. *Be it further enacted,* That in case any person shall claim to be a member of said Corporation in virtue of his having been an usual attendant on the public worship of God

in

in the meeting-house aforesaid, at the time of the passing of this Act, or in virtue of his having given in a certificate of his desire to become a member of said Corporation as aforesaid, and united with the members of said Corporation in public worship in the house aforesaid, for the term of one year after the giving in of such certificate; and the fact, that such person was an usual attendant on public worship in said house at the time of the passing of this Act, or that he or she has united with the members of said Corporation in public worship for the term of one year from the time of his or her giving in his or her certificate as aforesaid, shall be disputed by any ten members of said Corporation, the holders of the appropriated pews in said house, who may be present at any legal meeting of said Corporation, are hereby authorized and empowered to hear and determine whether or not such person is a member of said Corporation according to the true intent and meaning of this Act: And in determining such question two votes and no more may be given in right of each pew.

Case of the right of a person to be a member being disputed.

SECT. 5. *Be it further enacted,* That whenever said Corporation shall vote and grant any sum of money for the defraying of necessary parochial charges, no unintentional error in assessing the same, by the enumeration of persons not members of said Corporation, or the omission of those who are, shall vitiate or annul such assessment with respect to those who shall be otherwise duly assessed.

Assessment of taxes.

SECT. 6. *Be it further enacted,* That the said Corporation shall forever hereafter be holden to reserve as much of said meeting-house as now is unappropriated, for the accommodation of the inhabitants of said town who may from time to time wish to unite with the members of said Corporation in public worship in said house.

Part of the meeting-house to be reserved.

SECT. 7. *Be it further enacted,* That the first meeting of the said Corporation may be convened by virtue of the warrant of any Justice of the Peace in said county, directed to any principal member of said Corporation, and appointing a suitable time when said meeting shall be holden at said meeting-house: And the same meeting shall be notified by posting an attested copy of the said warrant at one of the doors of said house, seven days at least previously to the time appointed in said warrant for the holding of said meeting.

Mode of calling the first meeting.

[This Act passed *March 5, 1803.*]

An ACT to establish an Academy in the Town of Gorham, by the Name of Gorham Academy, and to create a Corporation of Trustees for the same.

Preamble.

WHEREAS the encouragement of literature in the rising generation has ever been considered by the wise and good, as the basis upon which the safety and happiness of a free people ultimately depend; and whereas *Stephen Longfellow, Esq.* and others have petitioned this Court for the establishment of an Academy, in *Gorham*, in the county of *Cumberland*, for that purpose.

Academy established, and its purposes.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That there be, and hereby is established in the town of *Gorham*, in the county of *Cumberland*, an Academy by the name of *Gorham Academy*, for the purpose of promoting piety and virtue, and for the education of youth in such languages, and in such of the liberal arts and sciences, as the Trustees hereinafter provided shall order and direct.

Trustees appointed.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the *Rev. Thomas Lancaster*, the *Hon. William Gorham, Esq.* *Hon. Stephen Longfellow*, *Rev. Elijah Kellog*, *Rev. Daniel Merritt*, *Rev. Caleb Bradley*, *Capt. David Harding, jun.* *John P. Little, Esq.* *Mr. Matthew Cobb*, *Hon. Woodbury Storer*, *Doct. Dudley Folsom*, *Mr. William McLellan*, *Mr. James Phinney*, *Mr. Samuel Elder*, and *Capt. Samuel Whitmore*, be, and they are hereby nominated and appointed Trustees of the said Academy, and they are hereby incorporated into a Body Politic, by the name of *The Trustees of Gorham Academy*, in the county of *Cumberland*, and they and their successors shall be and continue a Body Politic and Corporate by the same name forever.

— may have a seal, &c.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said Trustees and their successors shall have one common seal, which they may break, change and renew from time to time, as they shall see fit, and they may sue and be sued, in all actions, real, personal and mixed, and prosecute and defend the same to final judgment and execution, by the name of *The Trustees of Gorham Academy*, in the county of *Cumberland*, and may appoint an agent or agents, to prosecute or defend such suits.

— empowered to appoint officers of the Academy.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the said *Thomas Lancaster* and others, the Trustees aforesaid, and their successors be, and they are hereby made the Visitors, Trustees and Governors of the said Academy, in perpetual succession forever, to be continued in the way and manner

manner hereafter specified, with full power and authority to elect such officers of the said Academy, as they shall judge necessary and convenient, and to make and ordain such laws, orders and rules, not repugnant to the laws of this Commonwealth, for the good government of said Academy, as to them shall seem fit and requisite.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the number of the Trustees aforesaid shall not at any one time be more than fifteen, nor less than nine, five of whom at least shall be necessary to constitute a quorum for transacting business. Number of Trustees.

SECT. 6. *And be it further enacted by the authority aforesaid,* That as often as one or more of the Trustees aforesaid, shall die or resign, or in the judgment of the major part of the Trustees, shall be rendered incapable, by age or otherwise, of discharging the duties of his office, the Trustees then surviving, shall elect one or more persons to fill up the vacancy or vacancies. —, case of dying or resigning.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the Trustees aforesaid, and their successors be, and they hereby are rendered capable in law to take and hold by gift, grant, devise, bequest or otherwise, any lands, tenements, or other estate, real or personal, which have heretofore been given or subscribed, or which may hereafter be given or subscribed for the purpose aforesaid: *Provided,* That the annual income of the said real estate shall not exceed the sum of *two thousand dollars*, and the annual income of the said personal estate shall not exceed the sum of *five thousand dollars*: And all deeds and instruments, which the said Trustees may lawfully make, shall be sealed with their seal, and shall bind the Trustees and their successors, and be valid in law. — empowered to hold real estate, with a proviso.

SECT. 8. *And be it further enacted,* That *William Gorham, Esq.* be, and hereby is authorized and empowered to appoint the time and place for holding the first meeting of said Trustees, and notify them thereof. First meeting.

[This Act passed *March 5, 1803.*]

An ACT to incorporate certain Proprietors of Salt Marsh, lying in *Salisbury*, in the County of *Essex*, to make and maintain a Dyke and Drains, for the better improving the same.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this Act, all the Proprietors of a tract of salt marsh situate in *Salisbury* aforesaid,

Boundaries.

said, and contained within the following bounds, viz. Beginning at the *Great Neck*, so called, adjoining on land of *Nicholas French*; thence running on a line northerly across said marsh to land of *Samuel Eaton*, comprising all the marsh lying westerly of said line, be, and they are hereby incorporated into a Body Politic by the name of *The Proprietors of the Great Meadows in Salisbury*; and by that name may sue and be sued, and do and suffer all matters, acts or things which Bodies Politic may or ought to do and suffer.

Manner of
calling a Pro-
prietors' meet-
ing.

SECT. 2. *And be it further enacted*, That the manner of calling the meetings of the said Proprietors shall be by an application in writing from five or more of said Proprietors to any Justice of the Peace in the county of *Essex*, who is hereby empowered and directed to issue his warrant to one of the said Proprietors, to meet at such time and place as he shall think most convenient, and for the purposes to be expressed in said warrant, by posting up copies of said warrant, with the notification thereon, at the houses of public worship in said *Salisbury*, and at the house of public worship in the east parish in *Aineisbury*, ten days at least before the time for holding the said meetings: And the said Proprietors, when legally assembled

Clerk, Collect-
ors, &c. to be
appointed.

as aforesaid, shall have power to choose a Clerk, Committees, Assessors, Collector or Collectors of taxes, and Treasurer, who shall be sworn to the faithful discharge of the trust reposed in them, and continue to serve until others are chosen and sworn in their places, which may be annually, or as often as occasion may require; which officers, so chosen and sworn as aforesaid, shall have the same power to perform, execute and carry any vote or orders of said Corporation into as full effect as town officers of like description have by law to do and perform: And the said Corporation shall have power to erect and make a dike of sufficient height and width from land of *Nicholas French* to land of *Samuel Eaton* aforesaid; also to make drains sufficient to draw off the stagnant waters from the marsh lying westerly of the line mentioned in the first section of this Act, and at any meeting legally called for the purpose to vote and raise monies to defray the necessary expense of such dike, and making said drain, and keeping the same in repair, and to pay all other expenses which shall be found necessary for the better management thereof; and for carrying the votes and orders of said Corporation into effect: And all monies raised as aforesaid shall be assessed upon each Proprietor in the marsh aforesaid, in proportion to the number of acres, or the value thereof, he or she owns, except the marsh laid out as parsonage, for the use of the ministry of the east and west parishes in said *Salisbury*; and if any Proprietor shall refuse or neglect to pay the sum or sums assessed upon him or her as aforesaid,
after

Corporation
empowered to
make a dike &
drains.

after sixty days notice, so much of his or her marsh shall be sold as will be sufficient to pay the same, with costs; notice of such sale to be published in some newspaper printed in *Newburyport*, and by posting up advertisements thereof at the houses of public worship aforesaid, three weeks prior to said sale, with the names of the Proprietors, the amount of the taxes assessed on their marsh respectively, and also the time and place of sale: And if no person shall appear thereupon to discharge the said taxes and all necessary intervening charges, then the Collector shall proceed to sell at public auction, to the highest bidder, so much only of said marsh as shall be sufficient to discharge said taxes and the necessary intervening charges; and shall give and execute a deed or deeds to the purchaser or purchasers, his or their heirs or assigns, expressing therein the cause of such sale, saving to the aforesaid Proprietor or Proprietors the right of redemption of any marsh so sold within two years from the time of such sale, and the same shall be reconveyed to him or them, the said Proprietor or Proprietors, on paying within two years as aforesaid, the sum such marsh sold for, with interest, at the rate of *ten per cent. per annum* on such sum, together with all other intervening charges.

SECT. 3. *And be it further enacted*, That the Proprietors aforesaid be, and they hereby are authorized and empowered to keep open and in good repair, a ditch which now runs easterly from the line drawn from land of *Nicholas French* to land of *Samuel Eaton* aforesaid, to a creek of sufficient width and depth to drain off the stagnant waters as aforesaid: *Provided nevertheless*, That the owners of the marsh through which the said ditch shall pass, shall be entitled to damages for any injury they may sustain by means of keeping the same open.

[This Act passed *March 5, 1803.*]

An ACT to incorporate *William Gray, jun. Esq. and others*, into a Company, by the Name of *The Essex Fire and Marine Insurance Company*.

SECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the said *William Gray, jun. and others*, and all such persons as have already or hereafter shall become Stockholders in the said Company, being citizens of the *United States*, be, and they are hereby incorporated into a Company or Body Politic by the name of *The Essex Fire and Marine Insurance Company*, for and during the term of twenty years after

Time for which the company is incorporated.

the passing of this Act; and by that name may sue or be sued, plead or be impleaded, appear, prosecute and defend to final judgment and execution, and have a common seal, which they may alter at pleasure; and may purchase, hold and convey any estate, real or personal, for the use of the said Company, subject to the restrictions hereinafter mentioned.

Amount of capital stock. **SECT. 2.** *And be it further enacted,* That the capital stock of said Company, exclusive of premium notes or profits arising from said business, shall be *three hundred thousand dollars*, and shall be divided into three thousand shares, of which capital stock not more than *thirty thousand dollars* shall be invested in real estate.

Number of Directors, and manner of their being chosen. **SECT. 3.** *And be it further enacted,* That the stock, property, affairs and concerns of the said Company, shall be managed and conducted by nine Directors, one of whom shall be President thereof, who shall hold their offices for one year, and until others shall be chosen and no longer; which Directors shall, at the time of their election, be Stockholders and citizens of this Commonwealth; and shall be elected on the first Monday in *July* in each and every year, at such times of the day, and at such place in the town of *Salem*, as a majority of the Directors for the time being shall appoint; of which election public notice shall be given in one of the newspapers printed in the town of *Salem*, and continued for the space of ten days immediately preceding such election: And such election shall be holden under the inspection of three Stockholders, not being Directors, to be appointed previous to every election, by the Directors, and shall be made by ballot, by a majority of votes of the Stockholders present, allowing one vote to each share in the capital stock: *Provided*, That no Stockholder shall be allowed more than ten votes; and the Stockholders not present may vote by proxy, under such regulations as the said Company shall prescribe: And if, through any unavoidable accident, the said Directors should not be chosen on the first Monday in *July* as aforesaid, it shall be lawful to choose them on another day, in manner herein prescribed.

Directors to choose a President. **SECT. 4.** *And be it further enacted,* That the Directors so chosen shall meet as soon as may be after every election, and shall choose out of their body one person to be President, who shall preside for one year, and be sworn faithfully to discharge the duties of his office; and in case of the death, resignation or inability to serve, of the President or any Director, such vacancy or vacancies shall be filled, for the remainder of the year in which they may happen, by a special election for that purpose, to be holden in the same manner as herein before directed, respecting annual elections for Directors and President.

SECT.

SECT. 5. *And be it further enacted*, That the President and four of the Directors, (or five of the Directors in the absence of the President,) shall be a Board competent for the trans-
Board for trans-acting business.
 action of business; and all questions before them shall be decided by a majority of votes, and they shall have power to make and prescribe such by-laws, rules and regulations, as to them
By-laws, &c. to be made.
 shall appear needful and proper for the orderly conducting the affairs of the said Corporation, and for calling meetings of the Stockholders; and touching the management, disposition or exchange of the stock, property, estate and effects of the said Company, and the transfer of the shares; and touching the duties and conduct of the several officers, clerks and servants employed, and the election of Directors, and all such matters as appertain to the business of insurance; and shall also have power to appoint a Secretary, and so many clerks and servants for carrying on said business, and with such salaries and allowances to them and to the President, as to the said Board shall seem meet: *Provided*, That such by-laws, rules and regulations shall not be repugnant to the Constitution or laws of this Commonwealth.

SECT. 6. *And be it further enacted*, That there shall be stated meetings of the Directors at least once in every month,
Meeting of Directors.
 and as often within each month as the President and Board of Directors shall deem proper; and the President and a Committee of two of the Directors to be by him appointed in rotation, shall assemble daily if need be, for the dispatch of business: And the said Board of Directors, or the Committee aforesaid, at and during the pleasure of said Board, shall have power and authority in behalf of the Company, to make insurance on dwelling-houses, and all other buildings whatsoever, and on all goods, wares and merchandize on land, against
What property may be insured.
 damage arising and happening to the same by fire; and also upon vessels, freights, goods and effects, and money, and against captivity of persons, and on the life of any person during his absence by sea, and in cases of money lent upon *bottomry* and *respondentia*, and to fix the premiums and terms of payment; and all policies of insurance by them made, shall be subscribed by the President, or in case of his death, sickness, inability or absence, by any two of the Directors, and countersigned by the Secretary, and shall be binding and obligatory upon the said Company, and have the like effect and force, as if under the seal of the said Company; and all losses, duly arising under any such policies so subscribed, may be adjusted and settled by the President and Board of Directors, and the same shall be binding on the Company.

SECT. 7. *And be it further enacted*, That it shall be the duty of the Directors, on the first Monday of *June* and *December*
in

Semi-annual
dividends to be
made.

Case of loss af-
fecting capital
stock.

Company not
to trade, &c.

Payment of in-
stalments.

Directors of
other Compa-
nies not eligi-
ble in this.

Shares liable to
attachment, &
process pre-
scribed.

in every year, to make dividends of so much of the interest arising from their capital stock, and the profits of the said Company, as to them shall appear advisable; but the monies received, and notes taken for premiums on risks which shall be undetermined and outstanding at the time of making such dividends, shall not be considered as part of the profits of the Company; and in case of any loss or losses whereby the capital stock of the Company shall be lessened, each Proprietor or Stockholder's estate shall be held accountable for the instalments that may be due and unpaid on his share or shares at the time of such loss or losses taking place, to be paid in to the said Company by assessments, or such other mode, and at such time or times, as the Directors shall order; and no subsequent dividend shall be made, until a sum equal to such diminution shall have been added to the capital; and that once in every three years, and oftener if required by a majority of the votes of the Stockholders, the Directors shall lay before the Stockholders, at a general meeting, an exact and particular statement of the profits, if any there be, after deducting losses and dividends.

SECT. 8. *And be it further enacted*, That the said Company shall not directly nor indirectly deal or trade in buying or selling any goods, wares, merchandize or commodities whatsoever; and the capital stock of said Company, after being collected at each instalment, shall be invested either in the funded debt of the *United States*, or of this Commonwealth, or in the stock of the *United States* bank, or of some incorporated bank in this Commonwealth, at the discretion of the President and Directors of the said Company.

SECT. 9. *And be it further enacted*, That fifty dollars on each share in said Company shall be paid within twenty days after the first meeting of said Company, and the remaining sum within one year after said first meeting, at such equal instalments, and under such penalties as the said Company shall direct; and no transfer of any share in said Company shall be permitted or be valid until all the instalments on such share shall have been paid.

SECT. 10. *Be it further enacted*, That no person being a Director of any other Company carrying on the business of marine insurance, shall be eligible as a Director of the Company by this Act established.

SECT. 11. *Be it further enacted*, That the property of any member of said Company vested in the stock of said Company, with the dividend or dividends due thereon, shall be liable to attachment and execution in favour of any *bona fide* creditor, in manner following, viz. Whenever a proper officer having a writ of attachment or execution against any such member,

ber, shall apply with such writ or execution to the Secretary of said Company, it shall be the duty of said Secretary to expose the books of the Corporation to such officer, and furnish him with a certificate under his hand, in his official capacity, ascertaining the number of shares the said member holds in said Company, and the amount of the dividend or dividends due thereon; and when any such share or shares shall be attached on *mesne process*, or taken in execution, an attested copy of such writ of attachment or execution shall be left with the said Secretary; and such share or shares may be sold on execution, after the same notification of the time and place of sale, and in the same mode of sale, as other personal property; and it shall be the duty of the officer making such sale, within ten days thereafter, to leave an attested copy of the execution, with his return thereon, with the Secretary of the Company, and the vendee shall thereby become the Proprietor of such share or shares, and entitled to the same, and to all the dividends which shall have accrued thereon after the taking in execution as aforesaid, or when there shall have been a previous attachment, after such attachment, notwithstanding any intervening transfer.

SECT. 12. *And be it further enacted*, That in case of any loss or losses taking place that shall be equal to the amount of the capital stock of the said Company, and the President and Directors after knowing of such loss or losses taking place shall subscribe to any policy of insurance, their estates jointly and severally shall be accountable for the amount of any and every loss that shall take place under policies thus subscribed.

SECT. 13. *And be it further enacted*, That the President and Directors of said Company shall, previous to their subscribing to any policy, and once every year after, publish in one of the newspapers printed in the town of *Salem*, the amount of their stock, against what risks they mean to insure, and the largest sum they mean to take on any one risk.

SECT. 14. *And be it further enacted*, That the President and Directors of said Company shall, when and as often as required by the Legislature of this Commonwealth, lay before them a statement of the affairs of said Company, and submit to an examination concerning the same under oath.

SECT. 15. *And be it further enacted*, That *William Gray, jun. John Norris, and William Orne*, or any two of them, are hereby authorized to call a meeting of the members of the said Company as soon as may be, in *Salem*, by advertising the same for two weeks in the *Salem Gazette*, for the purpose of their electing a first Board of Directors, who shall continue in office until the first Monday in *July*, in the year of our Lord one thousand eight hundred and four.

[This Act passed *March 7, 1803.*]

An ACT to establish a Corporation for the Purpose of diking a certain Tract of Marsh in the Town of Scarborough.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Robert Southgate, Richard King, Simeon Fitts, Eunice Fitts, Joshua Milliken, Benjamin Milliken, John Alger Milliken, Jonathan Milliken, John Mulbery Milliken, James Foss, Daniel Merrill, and Cornelius Durant, being the principal part of the owners of the aforesaid tract of marsh, together with their associates, and such others as may hereafter associate with them and their successors, shall be a Corporation by the name of The First Scarborough Dike Corporation, with all the powers and privileges incident to similar Corporations, for the purpose of making and keeping in repair a dike-wall on said marsh, to commence at or near Harmon's Landing, so called; and from thence to run up the main river to the Long Reach; and from thence crossing over the marsh to the parting of the river; and from thence by a dam and gates, to pass over the northern branch of the same river; and from thence to continue the said dike-wall, up the western branch of the river, on its northern bank, to the west boundary line of Robert Southgate's marsh; and from thence to the upland now improved by Joseph Milliken.*

Where the
dike-wall is to
be.

Expense to be
assessed on Pro-
prietors.

SECT. 2. *And be it further enacted, That the said Robert Southgate and others, Proprietors of the marsh aforesaid, their heirs and assigns be, and they are hereby authorized and empowered to raise by an assessment, or tax, to be made and levied on all the Proprietors of the said marsh, lying within the dike to be made as aforesaid, according to the proportion of interest they severally hold therein, such sum or sums of money, for defraying the charges of making, repairing and maintaining the said dike-wall, dam and gates as aforesaid, as shall be agreed upon by the said Proprietors, their heirs and assigns, or the major part of such of them as shall be assembled at any legal meeting to be called for that purpose: And if any of the Proprietors of the said marsh shall neglect or refuse to pay the sum or sums of money duly assessed on him therefor, for the space of three months after such money shall have been voted, and for the space of one month after his assessment shall have been shewn him, or a copy thereof left at his usual place of abode, then the said Proprietors are hereby fully authorized and empowered from time to time, to sell and convey at public vendue to the highest bidder, so much of such delinquent Proprietor's part of said marsh, as will be sufficient*

The property
of delinquents
to be sold.

sufficient to satisfy and pay the sum or sums assessed as aforesaid, and all reasonable charges attending such sale; notice of such sale and of the time and place thereof being given, by posting an advertisement thereof, in some public place in the town aforesaid, and by advertising the same in one of the newspapers printed in *Portland*, six weeks at least before the time of such sale; and the said Proprietors may, by their Clerk, or a Committee chosen for that purpose, execute a good deed or deeds of conveyance of the part of the said marsh so sold, unto the purchaser thereof, to hold in fee simple: *Provided nevertheless*, That the Proprietor or Proprietors, whose share or part of said marsh shall be sold as aforesaid, shall have liberty to redeem the same, at any time within one year after such sale, by paying the sum such share or part of said marsh sold for and charges, together with a further sum of *six dollars* for every *hundred dollars* produced by such sale, and so in the same proportion for a greater or less sum.

Proviso.

Where the first Proprietors' meeting is to be held, &c.

Restriction in favour of Mess. Moulton, Harmon & Carter.

SECT. 3. *And be it further enacted*, That the first meeting of the said Corporation shall be held at the house of *John Mulbery Milliken*, innholder in said *Scarborough*, on the second Monday of *April* next, at two o'clock in the afternoon, for the purpose of choosing a Clerk, and such other officers as may then and there be agreed upon by the said Corporation, who shall be sworn to the faithful discharge of the duties of their respective offices: And the said Corporation may then and there establish such rules and regulations as shall be judged necessary for the better management of its affairs; for which purpose they shall be, and hereby are invested with all the powers appertaining to Proprietors of general or common fields: And the said Corporation may then and there agree upon a method for calling future meetings: *Provided nevertheless*, That whereas *Jonathan Moulton, jun. James Harmon, jun. and Benjamin and Richard Carter*, owners of eighteen acres of the aforesaid tract of marsh, have refused to join in the petition for an act of incorporation for the purpose of diking the said tract, the said Corporation shall be, and hereby are so far restricted, in the power and authority by this Act given them, as not to be at liberty to raise by an assessment or otherwise, to be levied on any of the Proprietors of the aforesaid eighteen acres of marsh, any sum or sums of money, to defray part of the expenditures necessary to carry this Act into operation and effect, unless by special covenant they shall hereafter obligate themselves so to do.

[This Act passed *March 7, 1803.*]

Additional Act,
Jan. 30, 1804.

AN ACT to authorize *Jesse Dunbar*, and others, Owners of the Mill at *Scituate Harbour*, in the County of *Plymouth*, to erect Dams across *Mill Creek* and *Maine Creek*, so called, at said Harbour.

A dam authorized.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Jesse Dunbar and others, owners of the grist-mill at Scituate Harbour, in the county of Plymouth, their heirs and assigns, are hereby authorized and empowered to erect and maintain a dam across Mill Creek and Maine Creek, at the said Scituate Harbour, at the places, and in the manner following, viz. At Mill Creek, southward of a line running south seventy degrees east, from the south-west corner of Lemuel Vinal's dwelling-house; and at Maine Creek, southward of the place where a line running south sixteen degrees east, from the east end of the present mill-dam, will strike said Maine Creek; which said dams, the said Jesse Dunbar and others, their heirs and assigns, may continue and maintain, so long as they shall see fit to occupy and use the said mill as a grist-mill.*

A passage through the dam to be opened.

SECT. 2. *And be it further enacted, That the said Jesse Dunbar and others, their heirs and assigns, shall forever make and open a sufficient passage through the said dam at Mill Creek, and from thence into Maine Creek, at least twenty feet wide, in the deepest water, and where most convenient, for the passage of vessels at all times when requested by any person or persons who shall desire to pass through said dam or dams, with their vessels, free of all expense to the owners of such vessels; and upon the refusal or neglect so to make and open such passage as aforesaid, they shall forfeit and pay for each offence, to the person or persons so requesting the same, the sum of two hundred dollars: Provided always, That nothing in this Act shall be construed to prevent owners of meadows or marshes, which shall be flowed in consequence of said dam or dams, from recovering any damages sustained thereby.*

Case of dispute as to the suitability of the passage.

SECT. 3. *And be it further enacted, That whenever any dispute shall arise respecting the suitability or convenience of the place or passage for vessels to be opened as aforesaid, the Selectmen of the said town of Scituate, for the time being, shall upon application of either of the parties be, and they are hereby authorized to determine said dispute, and to designate and direct how, and in what manner such passage shall be made.*

[This Act passed March 7, 1803.]

An

An ACT to incorporate a Number of the Inhabitants of the First Parish in the Town of *Beverly* into a separate Parish.

WHEREAS a number of the inhabitants of the town of *Beverly*, belonging to the first parish in the said town, have petitioned this Court to be set off from the said first parish, and to be incorporated into a separate Society, for the reasons expressed in their petition, and it appearing reasonable to this Court that the prayer thereof be granted :

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Thomas Appleton, James Smith, Ephraim Prichard, John Dike, John Low, William Burley, William Herrick Lovett, Jonathan Larcom, Asa Cole, John Hatch, John Pickett, Gamaliel Hatch, Mark Knowlton, Josiah Woodbury, jun. Benjamin Carico, William Fornis, Ambrose Cleaves, Nehemiah Smith, jun. George M^r Lellan, Peter Woodbury, Timothy Wyer, Jeremiah Trask, Jonathan Smith, Nehemiah Smith, Isaac Haskell, Ebenezer Wallace, Dudley Abbot, John Fornis, Caleb Wallis, Benjamin Brown, jun. Jacob Anderson, John Lovett, David Larcom, Joseph Gouldsbury, Peter Hill, Nathaniel Wallis, Benjamin Larcom, Jonathan Herrick Lovett, Benjamin Standley, Ebenezer Wallis, 2d. Josiah Foster, Benjamin Bryant, Thomas Herrick, Josiah F. Chapman, Joseph Woodbury, 2d. William Dodge, William Lovett, 2d. Thomas Carico, Dimon C. Twist, William C. Woodberry, Philip Hammond, Josiah Foster, 2d. Edward Foster, John Ellingwood, David Fornis, jun. Samuel Foster, George Cross, jun. Timothy Standley, George D. Chapman, Hezekiah Lovett, Joseph Lovett, 3d. Daniel Allen, Joseph Pedrick, Daniel W. Gowing, Jonathan Griffin, William T. Manning, Andrew Larcom, Ezra Cleaves, Ebenezer Smith, jun. Robert Standley, 2d. Daniel Herrick, Joseph Stickney, Nathaniel Batchelder, Zachariah Morgan, John Bradshaw, Abner Chapman, Nehemiah Roundy, 2d. Richard Ober, 2d. Moses Howard, Israel Conant, Joseph Ober, Abner C. Stone, Elizabeth Lovett, Widow Elizabeth Ives, Hannah Batchelder, Anna Meacom, Sarah Endicot Ford, Rebecca Bowles, Hannah Cleaves, Mark Woodbury, Samuel Smith, John West, Jonathan P. Ober, Daniel Porter, Daniel Appleton, Issachar O. Foster, Anna Corning, Mary Foster, Lydia Thissel, Hannah Fornis, Judith Lovett, Hannah Chapman, Abigail Haskell, Priscilla Chapman, Joanna Stone, Abigail Turkin, Sarah Smith, Elizabeth Pickard, Elizabeth Lovett, Joanna Green, Mary Herrick, Anna Woodberry, Mary Prince, Eliza Herrick, Nabby Glidden, Mary Adams, Sarah Ellingwood, Hannah Clark, Sarah Ives, William Patch, Josiah Woodberry, Obed Woodberry, Isaac Miller,*

Names of persons incorporated.

Miller, Joseph Woodbury, 3d. Oliver Ober, Cornelius Dodge, William Goodridge, David Wales, Joseph Smith, Alexander Carico, and David Standley, jun. the petitioners for the said Society, together with their polls and estates, be, and hereby are incorporated a Society, by the name of *The Third Congregational Society in Beverly*, with all the powers, privileges and immunities which other parishes in this Commonwealth are entitled to by law.

Members of
the 1st allowed
to join the 3d
parish, &c.

SECT. 2. *And be it further enacted*, That any of the members belonging to the first or third parishes, desiring to change their relation from one parish to the other, shall have full right and liberty to do it, at any time previous to the first day of *March*, one thousand eight hundred and five; *provided* they signify in writing under their hands, to the Clerk of the parish which they wish to join, their wish and determination of being considered as members of said parish, and they shall accordingly be recorded as such by the Clerk of the said parish.

Inhabitants to
belong to the
parish to
which they pay
their taxes.

SECT. 3. *And be it further enacted*, That if any person who may hereafter settle within the limits of the first parish, shall neglect, for the space of twelve months, to join either parish, by signifying his determination of the same in the manner pointed out in the second section of this Act, it may and shall be lawful and right for both the parishes aforesaid to tax all such persons for the support of public worship, and other parochial charges; and any person so taxed shall have the liberty of choosing which of the taxes he will pay, and to that parish to which he pays his tax he shall, with his family and estate, always in future be considered as belonging, and shall accordingly be recorded as such by the Clerk of said parish.

Persons coming
of age may join
either parish.

SECT. 4. *And be it further enacted*, That all young persons, within the limits aforesaid, when they become twenty-one years old, shall have full liberty, at any time within twelve months after they become twenty-one years of age, to join, with their polls and estates, either the first or the third parish, by signifying their determination in writing to the Clerk of the parish they may desire to join.

How to call
the first meet-
ing.

SECT. 5. *And be it further enacted*, That *Joseph Wood, Esq.* or any other Justice of the Peace in the county of *Essex*, be, and he is hereby authorized to issue his warrant, directed to some member of the said Third Congregational Society, requiring him to warn the members of the said Society, qualified to vote in parish affairs, to assemble at some suitable time and place, as shall be expressed in the said warrant, to choose such officers as parishes are by law required to choose in the month of *March* or *April* annually, and to transact all other matters and things necessary for the well being of the said Society.

[This Act passed *March 7, 1803.*]

An ACT to establish an Academy in the Town of Hampden, within the County of Hancock, by the Name of *The Hampden Academy*.

WHEREAS *John Crosby* and others have subscribed the sum of *three thousand four hundred dollars*, for the purpose of erecting and supporting an Academy in the town of *Hampden*, in the county of *Hancock* :

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That there be, and hereby is established in the said town of *Hampden*, an Academy by the name of *The Hampden Academy*, for the purpose of promoting piety, morality and religion, and for the education of youth, in such languages and such of the liberal arts and sciences, as the Trustees herein named and their successors, shall from time to time direct : And that the Hon. *David Cobb, Daniel Neal, John Crosby, Martin Kinsley, Robert Treat, Oliver Leonard, and Thomas Phillips, Esqrs.* the Rev. Mr. *Mason*, of *Castine* ; the Rev. Mr. *Fisher*, of *Blue Hill* ; the Rev. Mr. *Powers*, of *Penobscot* ; and the Rev. Mr. *Mudge*, of *Orrington* ; Capt. *Andrew Patterson*, Capt. *James Dudley*, *Andrew Grant*, and *Josiah Kidder*, be, and hereby are incorporated into a Body Politic by the name of *The Trustees of Hampden Academy*, and that they and their successors shall be and continue a Body Politic and Corporate by the same name forever.

Trustees appointed.

SECT. 2. *Be it further enacted,* That all the monies, lands or other property already subscribed and given, or which shall hereafter in any way be assigned or transferred to the said Trustees for the purposes aforesaid, or either of them, shall be confirmed to the said Trustees and their successors forever : And that the said Trustees may have and hold in fee simple, by gift, grant or otherwise, any lands or other estate, real or personal : *Provided* the annual income thereof shall not exceed the sum of *five thousand dollars* ; and may sell and dispose of the same, and apply the rents and proceeds of the same in such way and manner as they shall deem most conducive to the promotion of the interest of the said institution.

— to hold and manage property.

SECT. 3. *Be it further enacted,* That the said Trustees shall have power from time to time to elect such officers of the said Academy as they shall judge necessary, and to fix the tenures of their respective offices—to remove any Trustee from the Corporation, when in their opinion he shall be incapable, by reason of age or otherwise, of discharging the duties of his office—to fill all vacancies in the said Corporation—to determine the times and places of the meetings of the said Corporation—

— to appoint officers of the Academy, &c.

ration—the manner of notifying them, and the manner of electing and removing Trustees—to elect and prescribe the powers and duties of the officers of said Corporation—and to make and ordain reasonable rules and by-laws, not repugnant to the laws of this Commonwealth, with reasonable penalties for the good government of the said Academy.

Instruments to be sealed with common seal. SECT. 4. *Be it further enacted*, That the said Trustees may have a common seal, which they may renew or alter at pleasure; and that all instruments signed and sealed with such seal, delivered and acknowledged by the Secretary of the said Corporation by order of the said Trustees, shall be good and valid in law: And that the said Trustees may sue and be sued in all actions, real, personal and mixed; and prosecute and defend the same to final judgment and execution, by and in the name of the said Corporation.

Number of Trustees. SECT. 5. *Be it further enacted*, That the number of Trustees shall never exceed the number herein incorporated as aforesaid, nor be less than nine, five of whom shall be necessary to constitute a quorum for transacting business.

First meeting. SECT. 6. *Be it further enacted*, That Daniel Neal, Esq. be, and hereby is authorized and empowered to fix the time and place for holding the first meeting of said Trustees, and to notify them accordingly.

[This Act passed March 7, 1803.]

An ACT to set off Part of the Town of *Athol*, and to annex the same to the Town of *Royalston*.

Boundaries. SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That all the lands lying within the lines herein described, with the inhabitants thereon, be, and hereby are set off from the town of *Athol*, in the county of *Worcester*, and annexed to the town of *Royalston*, in the same county, viz. Beginning at the north-east corner of *Athol*, on *Royalston* line; thence running south five degrees west, on the town line of said *Royalston*, one mile, one quarter and five poles, to *Miller's River*; thence westerly and southerly by said river, about three hundred rods; thence west thirty-eight rods, to *Seth Twitchell's* land; thence north two hundred and six rods; thence west one hundred rods; thence north three hundred and sixteen rods to *Royalston* line; thence east four degrees north, by *Royalston* line, three hundred and ten rods, to the bound first mentioned: *Provided however*, That the inhabitants on the aforesaid lands, and their estates, shall be holden to pay their proportion of all State, county, town and parochial taxes assessed upon them, prior to the date of this Act.

SECT.

SECT. 2. *And be it further enacted,* That in all future State and county taxes, until a new valuation shall be taken and settled, one fifteenth part of the taxes which would have been set to the town of *Atbal*, according to the last valuation, shall be taken therefrom and set to the town of *Royalston*.

Alteration of taxes.

[This Act passed *March 7, 1803.*]

An ACT for incorporating certain Persons for the Purpose of laying out and making a Turnpike Road from *Newburyport* to *Chelsea Bridge*.

Additional Acts, Feb. 2 & March 9, 1805.

WHEREAS the laying out and making of the said road will be of great public utility, and *Micajah Sawyer*, and others, have petitioned this Court for an Act of incorporation, to empower them to lay out and make said road, and have subscribed to a fund for that purpose: Therefore,

Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *Micajah Sawyer, William Coombs, Nicholas Pike, Arnold Welles, William Bartlett, John Pettingell, William Smith, John Codman, and James Prince*, and all such persons as are or shall be associated with them, and interested in said fund, and their successors, shall be a Corporation by the name of *The Newburyport Turnpike Corporation*; and shall by that name sue and be sued; and shall have a common seal, and enjoy all the privileges and powers which are by law incident to a Corporation, for the purpose of laying out and making a turnpike road, and keeping the same in repair; that is to say, a road beginning at the head of *State-Street*, so called, in *Newburyport*; and from thence to be continued in a course south twenty-four degrees west, as nearly as possible, through the towns of *Newbury, Rowley, Ipswich, Topsfield, Danvers, Lynnfield, Lynn, Malden* and *Chelsea*, to the *Chelsea Bridge*, so called; the said road to be nearly in a straight line as practicable from the head of *State-Street*, in *Newburyport*, to *Chelsea Bridge*.

Names of persons incorporated.

Course of the road.

To terminate at Malden Bridge, vide Act March 9, 1805.

SECT. 2. *And be it further enacted,* That the abovementioned persons, or any three of them, may, by an advertisement in the *Newburyport Herald*, printed in *Newburyport*, and in the *New-England Palladium*, printed in *Boston*, call a meeting of the said Proprietors, to be holden at any suitable time and place after fifteen days from the publication of said advertisement; and the said Proprietors, by vote of the majority of those present or represented at the said meeting, (in all cases accounting and allowing a vote to each single share) shall choose a Clerk, who shall be sworn to the faithful discharge of his duty, and who shall agree on a method for calling future meetings; and

First meeting how to be called.

at

Rules, &c. to
be established.

at the same, or at any subsequent meeting, may make and establish any rules and regulations that shall be necessary or convenient for regulating the said Corporation, for effecting, completing and executing the purposes aforesaid, or for collecting the toll hereafter granted; and the same rules and regulations may cause to be kept and executed, or for the breach thereof may order and enjoin fines and penalties not exceeding *thirteen dollars and thirty-three cents*, for any breach thereof, *provided* such rules and regulations are not repugnant to the laws or Constitution of this Commonwealth; and the said Proprietors may also choose and appoint any other officer or officers that they may deem necessary; and all representations at any meeting shall be proved in writing, signed by the person making the same, which shall be filed with and recorded by the Clerk; and this Act, and all rules, regulations and votes of the said Corporation shall be fairly and truly recorded by the said Clerk in a book or books to be provided and kept for that purpose: *Provided also*, That no one Proprietor in this Corporation shall have more than twenty votes.

Width of road
prescribed.

SECT. 3. *And be it further enacted*, That the same turnpike road shall be laid out and made by the said Corporation of sufficient width in every part thereof for the accommodation of the public; that is to say, four rods wide through the whole of said road; and the made way or path for travelling, shall be of sufficient width, and not less than thirty-two feet wide in any part thereof: And when the said road shall be sufficiently made from said *Newburyport* to said *Chelsea Bridge*, and shall be so allowed by any three men to be appointed by His Excellency the Governor of this Commonwealth for that purpose, then the

Three gates to
be erected
when the road
is approved.

said Corporation shall be authorized to erect three turnpike gates at such convenient distances within the said road as a majority of the Proprietors by them or their officers shall direct: *Provided*, That neither of the gates aforesaid shall be placed on any part of the roads heretofore travelled; and shall be entitled to receive, at each one of the said gates, from each traveller and passenger, the following rate of toll, viz. For every coach, phaeton, chariot or other four-wheel carriage, for the conveyance of persons, drawn by two horses, *twenty-five cents*, and if drawn by more than two horses, an additional sum of *four cents* for each horse; for every cart, waggon, sleigh or sled, or other carriage of burden, drawn by two oxen or horses, *twelve and an half cents*, and if by more than two, an additional sum of *three cents* for every such ox or horse; for every curricule, *sixteen cents*; for every sleigh, for the conveyance of passengers, drawn by two horses, *twelve and an half cents*, and if drawn by more than two, an additional sum of *three cents* for each horse; for every sled or sleigh, drawn by one horse, *ten cents*; for every chaise, chair

Rates of toll.

chair or other carriage, drawn by one horse, *twelve and an half cents*; for every man and horse, *five cents*; for all oxen, horses and neat cattle, led or driven, besides those in teams and carriages, *one cent* each; for all sheep and swine, *three cents* by the dozen, and in the same proportion for a greater or less number: *Provided*, That the General Court may hereafter otherwise regulate the tolls to be paid by carts and waggon according to the width of the felines of the wheels on which they shall run, and the burdens which they shall carry.

SECT. 4. *And be it further enacted*, That said Corporation may purchase and hold any land over which they may make said road; and the Justices of the Court of General Sessions of the Peace in the respective counties through which it passes, are hereby authorized, on application from the said Corporation, to lay out such road, or any part thereof within their respective jurisdictions, as, with the consent of the said Corporation, they may think proper: And the said Corporation shall be holden to pay all damages which shall arise to any person by taking his land for such road, where it cannot be obtained by voluntary agreement, to be estimated by a Committee appointed by the Court of General Sessions of the Peace in the county in which such damage shall arise, saving to either party a right of trial by Jury, according to the law which makes provision for the recovery of damages happening by laying out public highways.

Corporation allowed to hold the necessary land.

SECT. 5. *And be it further enacted*, That if the said Corporation, or their toll-gatherer, or others by them employed, shall unreasonably delay or hinder any passenger or traveller at either of said gates, or shall demand or receive more toll than is by this Act established, the Corporation shall forfeit and pay a sum not exceeding *ten dollars* nor less than *two dollars*, to be recovered before any Justice of the Peace of the county where the offence may be committed, by any person injured, delayed or defrauded, in a special action of the case; the writ in which shall be served on said Corporation, by leaving a copy of the same with the Treasurer, or some individual member of said Corporation, living in the county where the said action may be brought, or by reading the same to said Treasurer, or individual member, at least seven days before the day of trial; and the Treasurer of said Corporation, or individual member, shall be allowed to defend the same suit in behalf of the said Corporation: And the said Corporation shall be liable to pay all damages that shall happen to any person from whom the toll is demandable, for any damage which shall arise from the defect of bridges or want of repairing said ways; and shall also be liable to presentment by the Grand Jury, for not keeping the same in good repair.

Penalty for delaying passengers and demanding illegal toll.

— for injuring
the gates or
road.

Exemptions
from the toll.

Shares deemed
personal estate,
and may be at-
tached, &c.

Amount of
receipts and ex-
penses to be
exhibited.

SECT. 6. *And be it further enacted,* That if any person shall cut, break down or otherwise destroy any of said gates, or shall dig up or carry away any earth from the said road, or in any manner damage the same, or shall forcibly pass, or attempt to pass by force said gates, without first having paid the legal toll at such gate, such person shall forfeit and pay a fine not exceeding *fifty dollars* and not less than *ten dollars*, to be recovered by the Treasurer of said Corporation to their use, in an action of trespass on the case: And if any person with a team, cattle or horses, turn out of said road to pass any of the turnpike gates aforesaid, and again enter said road, with an intent to avoid any toll established as aforesaid, such person shall forfeit and pay three times as much as the legal toll at such gate or gates established as aforesaid, to be recovered by the Treasurer aforesaid to the use aforesaid, in action of debt: *Provided,* That nothing in this Act shall extend to entitle the said Corporation to demand or receive toll of any person who shall be passing with his horse or carriage to or from public worship, or with his horse, team or cattle, to or from his common labour, or to or from any mill, or on the common or ordinary business of family concerns within the said town, or from any person or persons passing on military duty.

SECT. 7. *And be it further enacted,* That the shares in said road shall be deemed personal estate, to all intents and purposes, and shall be transferable by deed, duly acknowledged before any Justice of the Peace, and recorded by the Clerk of the said Corporation in a book to be kept for that purpose: And when any such share shall be attached on *mesne process*, or taken in execution, an attested copy of such writ of attachment or execution shall, at the time of the attachment or taking in execution, be left with the Clerk of said Corporation, otherwise the attachment or taking in execution shall be void; and such shares may be taken and sold by execution in the same manner as other personal estate; and the officer or judgment creditor, leaving a copy of such execution, with the return thereon, with such Clerk, within fourteen days after such sale, and paying for the recording thereof, shall be deemed a sufficient transfer of the same.

SECT. 8. *And be it further enacted,* That the said Corporation shall, within six months after said turnpike road shall be completed, lodge in the Secretary's office an account of all the expenses of said road; and the said Corporation shall annually exhibit to the Governor and Council a true account of the income or dividend arising from said toll, with the necessary annual disbursements on said road; and the books of the said Corporation shall at all times be subject to the inspection of a Committee

Committee to be appointed by the General Court, or to the inspection of the Governor and Council when called for.

SECT. 9. *And be it further enacted,* That whenever any Proprietor shall neglect or refuse to pay any tax or assessment, duly voted and agreed upon by the said Corporation, to their Treasurer, within thirty days after the time set for the payment thereof, the Treasurer of said Corporation is hereby authorized to sell at public vendue the share or shares of such delinquent Proprietor, one or more, as shall be sufficient to defray said taxes, and necessary incidental charges, after duly notifying in one or more public newspapers printed in the county of *Essex*, and the newspaper printed in *Boston* by the printers of the General Court, the sum due on such shares, and the time and place of sale, at least thirty days previous to the time of sale; and such sale shall be a sufficient transfer of such share or shares so sold, to the person purchasing the same; and on producing a certificate from the Treasurer to the Clerk of said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the books of the said Corporation, and such person shall be considered to all intents the Proprietor thereof; and the overplus, if any there be, shall be paid on demand, by the Treasurer, to the persons whose shares were then sold.

Shares of delinquent Proprietors may be sold.

SECT. 10. *And be it further enacted,* That the General Court may dissolve the said Corporation, whenever it shall appear to their satisfaction, that the said income arising from said toll shall have fully compensated the said Corporation for all monies they may have expended in purchasing, repairing and taking care of the said road, together with an interest thereon, at the rate of *twelve dollars* on the hundred for a year from the time of the same; and thereupon the interest in the said turnpike road shall vest in the Commonwealth: *Provided,* That if the said Corporation shall neglect to complete said turnpike road for the space of five years from the passing of this Act, the same shall be void and of no effect.

The General Court may dissolve the Corporation.

SECT. 11. *And be it further enacted,* That the said Corporation be, and it is hereby empowered to commute the rate of toll with any person, or with the inhabitants of any town through which their turnpike road is made, by taking of him or them any certain sum annually, or for a less time, to be mutually agreed on in lieu of the toll established in and by this Act.

The rate of toll may be commuted.

SECT. 12. *And be it further enacted,* That the said Corporation is hereby allowed to grant monies to such persons as rendered services to the Proprietors, in exploring the route of the turnpike road, or otherwise, previous to the Act of incorporation:

Monies may be granted to certain persons.

poration: And the said Corporation is hereby authorized to purchase and hold other real estate, adjacent to, and for the accommodation of the said road, to the amount of *twenty thousand dollars.*

[This Act passed *March 8, 1803.*]

Nov. 1, 1781. An ACT in addition to an Act, entitled, "An Act to incorporate certain Physicians by the Name of *The Massachusetts Medical Society.*"

Preamble. **W**HEREAS the Act, entitled, "An Act to incorporate certain physicians by the name of *The Massachusetts Medical Society,*" has been found, in its operation, insufficient to effect the important and desirable purposes for which it was designed:

SOCIETY may elect as many Fellows as they shall see fit. SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Fellows for the time being of the said *Massachusetts Medical Society,* in any meeting or meetings to be called and holden for the purpose, before the next annual meetings, shall have authority to elect into that Corporation, and to be Fellows thereof, such and so many suitable persons, being physicians or surgeons, resident within this Commonwealth, as they shall see fit; any thing in the Act to which this is in addition to the contrary notwithstanding: *Provided,* That all persons so elected shall, within one year after such election, subscribe the by-laws of the said Society, or otherwise declare, in writing, their assent thereto, or such election shall be void.

Counsellors to be chosen. SECT. 2. *And be it further enacted,* That at the next annual meeting of the Fellows of the said Society, and afterwards at every annual meeting thereof, there shall be chosen by ballot, in which any absent member may vote by his proxy, duly authorized in writing, so many Counsellors as the said Society shall, from time to time, judge necessary and expedient, who shall hold their offices for the year next ensuing their election, and until another election of Counsellors in their place; and the Fellows, at their annual meetings, whenever such a number shall be present as the regulations of the Society may require, may revise, alter, enlarge and repeal the by-laws of the said Society, as the major part of the Fellows present may see fit, and not otherwise.

Meetings of the Counsellors. SECT. 3. *And be it further enacted,* That the Counsellors of the said Corporation, and their successors after them, shall assemble and convene three times in the year, at such times and places as the by-laws of the said Corporation shall hereafter direct: *Provided,* That the first meeting be within thirty days after

after the annual meeting of the said Society ; and the said Counsellors shall assemble and convene at any other times, as the by-laws of the said Corporation shall hereafter direct, and whenever notified to convene by their presiding officer ; and the meetings of the said Counsellors shall be held in the town of *Boston*, or as near thereto as may be ; and at the said first meeting of the Counsellors, after the annual meeting of the said Society, the said Counsellors shall proceed to appoint from among themselves a President, and such other officers of the said Corporation as are, and shall be required in the rules and by-laws thereof to be so appointed ; likewise five Examiners or Censors, for the examination of all persons, who, having been students in medicine and surgery, agreeably to the regulations of the said Society, shall offer themselves to be approved and licensed, as practising physicians and surgeons ; and the said Counsellors, at any of the three stated meetings of the same, and only at those meetings, and after three months nomination of every candidate, and not otherwise, by a major vote of those present, may elect any suitable person or persons to be a Fellow or Fellows of the said Society : *Provided*, That all practising physicians and surgeons, resident within this Commonwealth, who shall be so elected, shall, within one year after such election, subscribe the by-laws of the said Society, or otherwise declare, in writing, their assent to the same, or such election shall be void ; and all persons, not practising physicians or surgeons, or not resident within this Commonwealth, who shall be so elected, may be deemed honorary members of the said Society ; and at any meeting of the said Counsellors they may fill any vacant office, and perform any other duties, as the by-laws of the said Corporation shall direct.

Examiners to
be appointed.

Honorary
members may
be elected.

SECT. 4. *And be it further enacted*, That for the purpose of examining candidates as aforesaid, three at least of the Examiners or Censors, who shall be appointed as aforesaid, shall be convened in the town of *Boston*, on the Thursday next preceding the annual meetings of the said Society, and at such other times and places as the by-laws of the said Society shall direct ; and every candidate who, upon examination, shall be approved by a majority of the said Examiners, shall be entitled to letters testimonial of their approbation, and of their license to such candidate to become a practitioner in medicine or surgery, under the hands of the Examiners consenting thereto ; and to such letters testimonial the seal of the said Corporation shall be affixed by the President or Secretary, if any there shall be, with the signature of the same ; and every person who shall receive the said letters testimonial, and such also as hereafter may be admitted to the degree of bachelor in medicine

Meetings of
Examiners.

Letters testi-
monial to be
given approved
candidates.

at *Harvard University*, shall be entitled to the use of the libraries of the society, under such restrictions as the Counsellors may direct; and after three years approved practice in medicine and surgery, and being of good moral character, and not otherwise, shall, upon application and subscribing the by-laws as aforesaid, be admitted a member of the said Corporation while a resident practitioner of medicine or surgery within this Commonwealth.

Subordinate
societies may
be established.

Examiners may
be appointed
on application
of subordinate
societies.

SECT. 5. *And be it further enacted*, That the said Counsellors, upon the application of any five members of the said Society, may establish, within such districts and portions of this Commonwealth as they shall think expedient, subordinate societies and meetings, to consist of the Fellows of the said Corporation residing within such districts respectively, wherein the communication of cases and experiments may be made, and the diffusion of knowledge in medicine and surgery may be encouraged and promoted; and the Counsellors aforesaid, upon application from such subordinate societies, may appoint five Examiners or Censors within such districts, who shall be authorized and empowered to examine such candidates for the practice of physic and surgery as shall present themselves for such examination: And every candidate who, upon examination shall be approved by a majority of the Examiners or Censors aforesaid, shall be entitled to letters testimonial in the same manner as is provided in the fourth section of this Act: And the members of such subordinate societies shall be holden to report to the Counsellors of the General Society, all such cases as may be selected for their importance and utility; and the said subordinate societies shall be subject to the regulations of the General Society in all matters wherein the General Society shall be concerned; and the said subordinate societies may appoint their own officers, and establish regulations for their particular government, not repugnant to the by-laws of the General Society; and shall be capable to purchase and receive by donation, books, philosophical and surgical instruments, or other personal property, and may hold and dispose of the same exclusively of any authority of the General Society.

Parts of former law repealed.

SECT. 6. *And be it further enacted*, That all matters and clauses contained in the Act aforesaid, to incorporate certain Physicians by the name of *The Massachusetts Medical Society*, which are contrary to the purview of this Act, shall be, and they hereby are repealed.

The Fellows
exempted from
military duty.

SECT. 7. *And be it further enacted*, That the Fellows of the said Corporation shall not be liable to be enrolled or mustered in the militia of this Commonwealth.

[This Act passed *March 8, 1803.*]

An ACT to establish a Corporation by the Name of
The Cambridge and Concord Turnpike Corporation.

Additional
 Acts, March 5,
 1804, March 8,
 1805.

WHEREAS the highway leading from *Cambridge* through
Lexington to *Concord* is circuitous, and the expence of
 making, straightening and keeping the same in good repair, is
 much greater than can be reasonably required of the said towns :

Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representa-*
tives, in General Court assembled, and by the authority of the same,
That Jeduthun Willington, John Richardson, Thomas Heald,
Francis Jarvis, Charles Wheeler, William Wheeler, Jonas Lee,
Richard Richardson, John Stearns, Benjamin Kendall, Thomas
Clark, Peter Clark, Ephraim Flint, Ephraim Flint, jun. Daniel
Brooks, Leonard Hoar, and Abiel Abbot, together with such oth-
ers as may hereafter associate with them, and their successors, be,
and they hereby are made a Corporation by the name and style
of The Cambridge and Concord Turnpike Corporation ; and by that
name may sue and prosecute, and be sued and prosecuted, unto
final judgment and execution ; and shall have a common seal,
and exercise and enjoy all powers and privileges which are usu-
ally given and incident to similar Corporations for making turn-
pike roads : Beginning at or near the dwelling-house of Jonas
Wyeth in Cambridge ; and from thence to continue a westerly
course, south of Doct. Andrew Craig's summer-house, and on
said course to the bridge over the river running out of Fresh
Pond, so called ; thence on said route about thirty feet south of
the dwelling-house of Richard Richardson ; thence on said rout,
south of the dwelling-house of Joshua Kendal in said Cambridge ;
thence on the said course, as near as the nature of the ground
will admit, near the dwelling-house of Joseph Underwood in Lex-
ington ; thence on the said course near the dwelling-houses of
Benjamin Phinney and Thomas Tufts in said Lexington ; thence
on said course near the dwelling-houses of Abiel Abbot, Leonard
Hoar, Timothy Brooks, and Daniel Brooks, in the town of Lincoln ;
thence on said course near the dwelling-house of Thaddeus Hunt,
in the town of Concord ; thence on said course, on as straight a
line as circumstances will admit, to the meeting-house in Concord ;
And the said road shall not be less than four rods wide, and the
path to be travelled in not less than twenty-two feet wide in
any part thereof ; and when the said turnpike road shall be
sufficiently made, and approved of by a Committee appointed
by the Court of General Sessions of the Peace for the county
of Middlesex, then the said Corporation shall be authorized to
erect two turnpike gates on the said road, in such manner as
the said Committee shall judge necessary and convenient for
collecting the toll : Provided, That the said gates, or either of
them, shall not be erected on any present travelled road.

Names of per-
 sons incorpora-
 ted.

Course of the
 road.

Two gates to
 be erected.

SECT.

Rates of toll
established.

SECT. 2. *And be it further enacted*, That it shall be lawful for the said Corporation to demand and receive of each traveller or passenger, at each of the said gates, the following rates of toll, viz. For every coach, chariot, phaeton, or other four-wheel carriage, drawn by two horses, *twenty-five cents*, and if drawn by more than two horses, an additional sum of *four cents* for each horse; for every cart or waggon, drawn by two oxen or horses, *ten cents*, and if drawn by more than two oxen or horses, an additional sum of *three cents* for each ox or horse; for every curricule, *sixteen cents*; for every chaise, chair or other carriage, drawn by one horse, *ten cents*; for every man and horse, *five cents*; for every sled or sleigh, drawn by two oxen or horses, *seven cents*, and if drawn by more than two oxen or horses, an additional sum of *two cents* for each ox or horse; for every sled or sleigh, drawn by one horse, *five cents*; for all horses, mules, oxen or neat cattle, led or driven, besides those in teams and carriages, *one cent* each; and for all sheep and swine, at the rate of *three cents* by the dozen, and in that proportion for a greater or lesser number: And the said Corporation shall, at each place where the said toll shall be collected, erect and keep constantly exposed to open view, a sign or board, with the rates of toll of all the tollable articles fairly and legibly written thereon, in large or capital characters: *Provided however*, That the said Corporation may, when they see fit, commute the rate of toll with any person or Corporation, or with the inhabitants of any town through which the said road passes, by taking of him or them a certain sum annually, to be mutually agreed on in lieu of the toll aforesaid.

Land may be
held. Dam-
ages to be paid
for land taken.

SECT. 3. *And be it further enacted*, That the said Corporation may purchase and hold land over which they may make the said road: And the said Corporation shall be holden to pay all damages which shall arise to any person by taking his land for such road, where it cannot be obtained by voluntary agreement, to be estimated by a Committee appointed by the Court of General Sessions of the Peace of the county of *Middlesex*, saving to either party the right of trial by Jury, according to the law which makes provision for the recovery of damages arising from the laying out of highways: And no town or private road or way shall be opened into, or connected with the aforesaid turnpike road, without the consent of the said Corporation first had and obtained; excepting such town or private road or way as may be laid out crossing the said turnpike road, and leading in different directions therefrom.

SECT. 4. *And be it further enacted*, That if any person shall wilfully or maliciously cut, break down or otherwise injure or destroy either of the said turnpike gates or sign-board, or shall dig up or carry away any earth from the said road, or in any manner

manner damage the same, or shall forcibly pass, or attempt to pass the said gates by force, without having first paid the legal toll at such gate, such person shall forfeit and pay a fine not exceeding *forty dollars* nor less than *two dollars*, to be recovered by the Treasurer of the said Corporation to their use, in an action of trespass or on the case: And if any person with his team, cart or horse, turn out of the said road to pass any of the turnpike gates, and again enter on the said road, with intent to evade the toll due by virtue of this Act, such person shall forfeit and pay three times so much as the legal toll would have been, to be recovered by the Treasurer of the said Corporation to their use, in an action of debt or on the case: *Provided*, That nothing in this Act shall extend to entitle the said Corporation to demand or receive toll of any person who shall be passing with his horse or carriage to or from public worship, or with his horse, team or cattle, to or from his common labour on his farm, or to or from any grist-mill, or on the common or ordinary business of family concerns within the same town, or from any person or persons passing on military duty.

Penalty for injuring gates or road.

Exemptions from toll.

SECT. 5. *And be it further enacted*, That if the said Corporation, their toll-gatherer, or others in their employ, shall unreasonably delay or hinder any traveller or passenger at either of the said gates, or shall demand and receive more toll than is by this Act established, the said Corporation shall forfeit and pay a sum not exceeding *ten dollars* nor less than *one dollar*, to be recovered before any Justice of the Peace (not being a Proprietor in said Corporation) of the county of *Middlesex*, by any person injured, delayed or defrauded, in a special action of the case; and the writ in such action shall be served on the Corporation, by leaving a copy of the writ with the Treasurer, or with some individual member of the Corporation, at least seven days before the day of trial; and the said Treasurer or individual member shall be allowed to defend the same suit in behalf of the Corporation.

Penalty for delaying passengers, &c.

SECT. 6. *And be it further enacted*, That the shares in the same turnpike road shall be taken, deemed and considered to be personal estate to all intents and purposes, and may and shall be transferable; and the mode of transferring the said shares shall be by deed, acknowledged before any Justice of the Peace, and recorded by the Clerk of the said Corporation, in a book to be kept for that purpose: And when any of the said shares shall be attached on *mesne process*, or taken in execution, an attested copy of such writ of attachment or execution shall, at the time of the attachment or taking in execution, be left with the Clerk of the said Corporation, otherwise such attachment or taking in execution shall be void; and such shares may be sold on execution in the same manner as is or may by law be provided for the sale

Shares deemed personal estate, may be attached, &c.

sale of personal property by execution, the officer making the sale, or the judgment creditor, leaving a copy of the execution, and of the officer's return on the same, with the Clerk of the said Corporation, within fourteen days after such sale, and paying for recording the same:

Shares of delinquent Proprietors may be sold.

SECT. 7. *And be it further enacted*, That whenever any Proprietor shall neglect or refuse to pay any tax or assessment duly voted and agreed upon by the said Corporation, to their Treasurer, within sixty days after the set time for the payment thereof, the Treasurer of the said Corporation is hereby authorized to sell at public vendue, the share or shares of such delinquent Proprietor, one or more, as shall be sufficient to defray said taxes and necessary incidental charges, after duly notifying in two newspapers printed in *Boston*, the sum due on any such shares, and the time and place of sale, at least twenty days previous to the time of sale; and such sale shall be a transfer of the share or shares sold to the person purchasing the same; and on producing a certificate of such sale from the Treasurer to the Clerk of the said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the said Clerk entered on the books of the said Corporation; and such person shall be considered to all intents and purposes the Proprietor thereof; and the overplus, if any there be, shall be paid on demand by the Treasurer, to the person whose share or shares were thus sold.

First meeting of Corporation; officers to be chosen, &c.

SECT. 8. *And be it further enacted*, That the first meeting of the said Corporation shall be held at the house of *Phineas Paine*, innholder in *Concord*, on the fourth Tuesday in *March* inst. at two of the clock in the afternoon, for the purpose of choosing a Clerk, who shall be sworn to the faithful discharge of his trust, and such other officers as shall then and there be agreed upon by the said Corporation, for regulating the concerns thereof; and may also agree upon such mode of calling future meetings as they shall judge proper: And each Proprietor in the said turnpike road, or by his agent duly authorized in writing, shall have a right to vote in all meetings of the said Corporation, and shall be entitled to as many votes as the said Proprietor has shares in the same, *Provided* his number in said shares do not exceed ten; but no Proprietor shall be entitled to more than ten votes for any greater number of shares he may possess.

An amount of expenses, receipts, &c. to be exhibited.

SECT. 9. *And be it further enacted*, That the said Corporation shall, within six months after the said road is completed, lodge in the Secretary's office an account of the expenses thereof; and that the said Corporation shall annually exhibit to the Governor and Council a true account of the income or dividends arising from the toll, with their necessary annual disbursements

on

on the said road; and that the books of the said Corporation shall at all times be subject to the inspection of a Committee to be appointed by the General Court, or to the inspection of the Governor and Council when called for.

SECT. 10. *And be it further enacted,* That the General Court may dissolve the said Corporation, whenever it shall appear to their satisfaction that the income arising from the toll shall have fully compensated the said Corporation for all monies they may have expended in purchasing, repairing and taking care of the said road, together with an interest thereon at the rate of *twelve per centum* by the year; and thereupon the property of the said road shall be vested in this Commonwealth, and be at their disposal: *Provided however,* That if the said Corporation shall neglect to complete the said turnpike road, for the space of three years from the date of this Act, the same shall be void and of no effect.

SECT. 11. *And be it further enacted,* That the said Corporation shall be liable to pay all damages which shall happen to any person from whom toll is demandable by this Act, for any damage which shall arise from any defect of bridges, or want of repairs within the same way; and shall also be liable to a fine on the presentment of the Grand Jury for not keeping the same way, or the bridges thereon, in good repair: And the towns through which the said turnpike road may be made and laid out, shall be, and hereby are discharged and exonerated for and during the term of twenty years from the time of the acceptance of the said road as aforesaid, of all costs and charges for the support, amendment and repairs of said road, that might accrue against said towns, by reason of any laying out or acceptance of said road by said Court of Sessions as a county road, within the term aforesaid; and also shall be acquitted and saved harmless, from any actions, presentments, damages and fines on account of any defect in any part of said road, and may give this Act in evidence to the Jury, on the general issue pleaded, which shall be as available as if plead in bar, or discharge of such actions or presentments.

[This Act passed *March 8, 1803.*]

An ACT to incorporate *Robert Hooper*, and others, by the Name of *The Marblehead Insurance Company.*

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *Robert Hooper, Joseph Barker, Henry Gallison, William Reed, Isaac Story,* and all others their associates, being citizens

Incorporating clause.

citizens of the *United States*, who have or shall become Stockholders in a capital stock to be paid and employed in the manner and for the purposes hereinafter mentioned, shall be, and they hereby are incorporated; and they and their successors and assigns shall be and continue, not exceeding the term of twenty years from and after the passing of this Act, a Body Politic and Corporate, by the name of *The Marblehead Marine Insurance Company*; and by that name the said Stockholders may sue and be sued, implead and be impleaded, and shall and may appear, prosecute and defend, in all actions and suits for or against them, until final judgment, execution and satisfaction; and they shall have a common seal, which they may make, alter and renew at their pleasure; and shall be capable in law to take by purchase or otherwise, and to hold and convey real estate: *Provided*, That the whole real estate which the said Company shall at any one time hold or possess, in their corporate capacity, shall not exceed *five thousand dollars* in value.

Amount of real estate.

Amount of capital and value of shares.

SECT. 2. *And be it further enacted*, That the capital stock of the said Company, including their real estate, and exclusive of their accruing profits, premiums and dividends, shall be *one hundred thousand dollars*, and shall be divided into one thousand shares of *one hundred dollars* each, of which *fifty dollars* at the least, on each share, shall be paid within thirty days after the first meeting of the said Company; and the remainder of each share shall be paid within one hundred and twenty days after the said first meeting, at such instalments and under such penalties for any failure therein as the said Company shall direct: *Provided*, That in the event of any loss or losses from the part which shall be first paid of the said capital stock, every Stockholder shall be liable for the remainder of his share and shares to be demanded, and after ten days public notice thereof, to be sued for and recovered against him by the said Company to the uses of this institution: *And provided*, That no transfer of any share or shares in the said capital stock shall be permitted, or shall be valid, until the instalments thereof shall be fully paid as aforesaid.

First meeting when to be held and how called, and the business to be transacted.

SECT. 3. *And be it further enacted*, That the said Company shall have their first meeting on the second Monday of *April* next, at such hour and place in *Marblehead* aforesaid as the said *Robert Hosper, Joseph Barker, Henry Gallison, William Reed, and Isaac Story*, or any three of them shall appoint, and of which they shall give ten days previous notice by an advertisement in the *Salem Gazette*: And at the said first meeting, or some adjournment thereof, the said Company, or those of them who shall be then and there assembled, shall agree and determine by what instalments, conformably to the terms herein before limited, and under what penalties for any failure therein, the shares of their said capital stock shall be paid: And shall elect by ballot *seven*

seven Directors, who, being sworn to the faithful discharge of their trust before some Justice of the Peace for the county of *Essex*, shall continue in office until the first Monday in *January* next, and until another election of Directors: And on the said first Monday in *January* next, and afterwards on the like day annually, during the continuance of this incorporation, the said Company shall be convened in such manner as they shall direct: And at such annual meeting seven Directors shall be elected in the like manner as aforesaid, and being sworn as aforesaid, shall continue in office for the year then next ensuing, and until others shall be chosen and sworn in their place: *Provided*, That no person shall be capable of being elected, or of continuing a Director in the said Company, who is not a Stockholder therein, or who is a Director in any other Insurance Company.

SECT. 4. *And be it further enacted*, That the seven Directors who shall be first elected as aforesaid, and their successors afterwards annually, or the majority of them, shall, as soon as may be after every election, convene at the place of the meeting of the said Company, or as near thereto as may be, and shall choose one of their number to be President: And in any vacancy of the President or other Director, a meeting of the Stockholders shall be called for the appointment of a Director, and by a like election or elections as aforesaid, such vacancy shall be supplied until the next ensuing annual election.

SECT. 5. *And be it further enacted*, That the Stockholders may be convened by the President, or by a majority of the Directors, whenever he or they shall think fit; and it shall be the duty of the President and of the other Directors to call a meeting of the Stockholders whenever seven Stockholders other than the Directors shall require it: Meetings of the Stockholders may be notified by an advertisement in some gazette printed at *Salem*, ten days at the least previous thereto, or in such other manner as the Stockholders shall prescribe: At every meeting of the Stockholders they shall choose one or more Stockholders, not exceeding three, to preside therein, and whose duty it shall be to collect the votes and record the transactions of the meeting: Elections and other questions shall be determined by a majority of votes, reckoning one vote to five shares: *Provided*, That no Stockholder shall have more than ten votes: *And* *provided*, That in the election of Directors, Stockholders not present may vote by proxy, under such regulations as the Directors shall prescribe.

SECT. 6. *And be it further enacted*, That the first and other instalments of the shares aforesaid, in the said capital stock, shall be paid to the said President and Directors, or at such place as they shall prescribe and notify: And it shall be the duty of the said President and Directors to invest, within six months

A President to be chosen.

Meetings of Stockholders.

Restriction as to votes.

Disposal of the capital stock.

months after payment of each instalment, the whole amount of their receipts for the capital stock of the said Company, either in the funded debt of the *United States*, or of this Commonwealth, or in the stock of the bank of the *United States*, or of some incorporated bank within this Commonwealth, at their discretion.

When insurance may commence, & what is to be insured.

SECT. 7. *And be it further enacted*, That after the sum of *fifty thousand dollars* shall be paid and received as aforesaid, upon the capital stock of the said Company, and not before, the President and Directors of the said Company shall have authority, in the behalf and for the account of the said Company, to engage and undertake marine insurances of every kind; more especially insurances upon vessels, their lading and freight, and against the captivity, and upon the life of any person during his absence by sea, and upon *bottomry* and *respondentia* bonds and contracts: *Provided*, That the said Company or their Directors, shall not directly or indirectly deal or trade in buying or selling any goods, wares, merchandize or commodities whatsoever.

Board of Directors to appoint officers and establish rules.

SECT. 8. *And be it further enacted*, That the President and Directors of said Company shall manage the stock and property, and conduct the affairs, undertakings and concerns of said Company, conformably to the purposes of their association, and the authorities and privileges hereby granted them: The said President and Directors shall hold stated meetings, once at the least in every month, and shall be convened by the President or by any two Directors whenever they shall think fit: And four of the Directors shall be a quorum for the transaction of business; all questions before them shall be decided by a majority of the votes present; they shall have power to establish annually a reasonable salary for their President, to appoint and employ a Secretary, a Clerk and such other agents and servants as they shall find necessary, and to grant them reasonable salaries and compensations; they shall have authority to make and prescribe reasonable by-laws and regulations for the government of their officers, agents and servants, and respecting the meetings of the Stockholders and of the Directors, and the mode of establishing proxies, and of voting in such meetings respectively, and respecting the transfer of shares, the transaction of the ordinary business of the Company, and the disposition and management of their estate, stock and effects: *Provided*, That such by-laws and regulations shall not be repugnant to the Constitution and laws of this Commonwealth.

President and Committee of two other Directors, to be appointed in rotation by the President, shall be a Committee to convene daily for the transaction

SECT. 9. *And be it further enacted*, That the President and

tion of business, and shall, during the pleasure of the Directors, have authority to make contracts of insurance: And all policies of marine insurance which shall be subscribed by the President, or in any vacancy of that office, or in the case of his sickness, disability or absence, by any four Directors, and countersigned by their Secretary or Clerk, shall be valid and effectual against the said Company; and every adjustment or settlement which shall be made by the President and Directors of losses and claims arising under such policies, shall be conclusive against the said Company.

SECT. 10. *And be it further enacted,* That in the event of any loss or losses from the capital stock of said Company, and equal to the amount which shall be at the time actually paid and received as aforesaid, the President and Directors of the said Company, who after notice of such loss or losses, shall undertake for the said Company in any other policy of insurance, shall be liable jointly and severally, in their own persons and estates, for the deficiency of the said capital stock to discharge the loss or losses, if any, which shall arise thereon.

SECT. 11. *And be it further enacted,* That the President and Directors of the said Company, on the last Monday of *December* next, and afterwards half yearly, on the last Monday of *June* and *December* in every year, shall and may divide, at an equal rate to each share in said capital stock, so much of the interest and nett profits which shall have accrued thereon, other than monies and demands paid or payable upon risks outstanding and undetermined, as to them shall appear reasonable; and such dividends shall be declared, and shall be payable at the office of the Company: *Provided,* That no dividend shall be made after any diminution of the said capital stock, until the same shall have been from the said accruing profits or otherwise, re-established at the original amount.

SECT. 12. *And be it further enacted,* That once in every three years at the least, and whenever a majority of the Stockholders shall require it, the Directors for the time being shall lay before the Stockholders at their annual meeting, or at an especial meeting to be called for the purpose, a particular statement of the affairs of the Company, and of their estate and effects, and of the remaining profits, if any, which shall have accrued on their capital stock, with the losses and dividends on hand, if any, chargeable against the same.

SECT. 13. *And be it further enacted,* That the shares and property of every Stockholder in the said capital stock shall be liable for his just debts, and may be attached therefor, and levied in execution at the suit, or for the satisfaction of his creditor: And the officer making such attachment, or levying such execution, shall notify the same to the President, or to the

Cases of losses affecting the capital.

Semi-annual dividends to be made.

A triennial statement of affairs to be made.

Shares liable to attachment.

Shares to be
fold as other
personal prop-
erty under ex-
ecution.

the Secretary, or Clerk of the said Company, and shall leave a copy of the process whereby the attachment or levy shall be made, at the office of the said Company; and no transfer of such debtor's shares or property in the said capital stock, not before noted in the books of the said Company, shall be valid or effectual against such attachment or levy: And it shall be the duty of the said President, Secretary or Clerk to cause the officer making such attachment or levy to be furnished if he require it, with a certificate of the number of shares such debtor holds in the said capital stock, and of the dividends, if any, due thereon; and such shares and property, when taken by virtue of an execution, or so much thereof as shall be requisite to satisfy the demands of the creditor therein, and all fees, shall be exposed to sale as other personal estate; and the purchaser who shall become entitled thereto under such execution, shall succeed to such debtor as his lawful assignee, and shall have a certificate of such transfer accordingly from the Clerk of said Company.

Amount of
capital, &c. to
be published.

SECT. 14. *And be it further enacted*, That the President and Directors of the said Company, previous to their subscribing any policy of insurance, and once in every year afterwards, shall publish in some newspaper printed at *Salem* aforesaid, the amount of their capital stock, and upon what risks, and to what amount in any one risk, they propose to insure.

Statement of
affairs to be
laid before
Legislature.

SECT. 15. *And be it further enacted*, That the President and Directors of the said Company, whenever it shall be required by the Legislature of this Commonwealth, shall lay before them a true statement of the affairs of the said Company, and shall submit themselves to an examination under oath concerning the same.

[This Act passed March 8, 1803.]

An ACT for incorporating certain Persons for the Purpose of building a Bridge over *Connecticut River*, in the Centre of the County of *Hampshire*, between the Towns of *Hadley* and *Hatfield*, and for supporting the same.

Preamble.

WHEREAS a Bridge over *Connecticut River*, between the towns of *Hadley* and *Hatfield*, in the county of *Hampshire*, would be of great public convenience: And whereas *Lemuel Dickinson* and others have presented a petition to this Court, praying for liberty to build the same, and to be incorporated for that purpose:

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,*
That

That Lemuel Dickinson, David Billings, Silas Billings, Samuel Partridge, Isaac Maltby, Moses Warner, Israel Parsons, Daniel White, jun. Colton Partridge, Elijah Nash, Ebenezer White, John Allis, Joseph Billings, Perez Hastings, Cotton White, William Bodnan, Elisha Nash, Jacob Williams, Joshua Warner, Guy C. Warner, Amasa Cleveland, Seth Kingsley, John Wait, Gros Williams, Joseph Williams, Moses Nash, John Nash, Mark Warner, Elisha Nash, jun. Oliver Nash, Zebina Montague, Isaac Abercrombie, John Billings, Medad Dickinson, Ebenezer Blifs, Daniel Kellog, Elijah Dickinson, Ebenezer Boltwood, Martin Kellog, Perez Dickinson, Solomon Boltwood, Enos Baker, Ralph Snow, Calvin Merrill, Samuel F. Dickinson, Abia Southworth, Harris Hatch, Freedom Chamberlain, jun. Eli Bates, John Gay, Joseph Hamilton, Matthew Gray, Nehemiah Hinds, John Conkey, David Childs, John Hoar, Nathan Felton, Benjamin Felton, Thomas Powars, Jonathan Danforth, Seth Hinkley, Lemuel Willis, Thomas Wheeler, jun. Nathaniel Foster, James Conant, William Dear, William Henry, John Brigham, Thomas Read, Jonas Howe, jun. Nathaniel H. White, Lemuel Abbot, Samuel Andrews, and George Slocum, with such persons as already have associated, or that may hereafter associate with them, be, and they are hereby made and constituted a Corporation and Body Politic by the name of *The Proprietors of the Hatfield Bridge*; and by that name may sue and be sued to final judgment and execution, and do and suffer all matters, acts and things which Bodies Politic may or ought to do and suffer: And the said Corporation shall and may have and use a common seal, and the same may break and alter at pleasure.

Names of persons incorporated.

SECT. 2. *And be it further enacted by the authority aforesaid,* That any three of the persons above named, may warn and call a meeting of the Proprietors aforesaid, to be holden at any convenient time and place, by publishing the same three weeks successively, in the *Hampshire Gazette*, published in Northampton, the last publication to be fourteen days before the time of such meeting; and the said Proprietors, by a vote of the majority of those present or represented at said meeting, allowing one vote to and for each single share in all cases: *Provided however,* that no one Proprietor shall be allowed more than twenty votes, shall choose a Clerk, who shall be sworn to the faithful discharge of his office, and shall also agree on a method of calling future meetings; and at the same, or some subsequent meeting or meetings, may elect such officers, and make and establish such rules and by-laws as to them shall seem necessary or convenient for the regulation and government of the said Corporation, for the carrying into effect the purposes aforesaid, and for collecting the toll herein-after granted and established, and may annex penalties to the breach.

First meeting how to be called; officers to be chosen and rules established.

breach of any by-laws, not exceeding *five dollars*: And all representations at said meetings shall be filed with the Clerk of said Corporation, and this Act, and all rules, regulations and proceedings shall be fairly and truly recorded by said Clerk in a book or books to be provided and kept for that purpose.

SECT. 3. *Be it further enacted*, That the said Proprietors be, and they are hereby authorized and empowered to erect
 Where & how the Bridge is to be built. a Bridge over *Connecticut River*, between the towns of *Hadley* and *Hatfield*, in the county of *Hampshire*, about eighty rods south of the meeting-house in *Hatfield*, abutting on lands of the Hon. *John Hastings*, Esq. and to strike the eastern bank of said river about eighty rods south of the dwelling-house of *Charles Phelps*, Esq. in *Hadley*; and said Bridge shall be well built with suitable materials, at least twenty-eight feet wide, and covered with planks, with sufficient rails on each side, and boarded up twelve inches high from the floor of said Bridge, for the safety of passengers travelling thereon, and the same shall be kept in good repair at all times.

And for the purpose of reimbursing the said Proprietors the money to be expended by them in building and supporting said Bridge,

SECT. 4. *Be it further enacted by the authority aforesaid*, That a toll be and hereby is granted and established for the sole benefit of the said Proprietors, according to the rates following, viz. For each foot passenger, *three cents*; for each horse and rider, *seven cents*; for each horse and chaise, chair or sulkey, *sixteen cents*; for each coach, chariot or phaeton, or other four-wheel carriage for passengers, *thirty-three cents*, and for each curricule, *twenty-five cents*; for each sleigh drawn by one horse, *ten cents*, and if drawn by more than one horse, *twelve and one half cents*; for each cart, sled or other carriage of burthen drawn by one beast, *ten cents*, if drawn by two beasts, *sixteen cents*, if drawn by more than two beasts, *twenty cents*; for each horse without a rider, and for neat cattle, *three cents* each; for sheep and swine, *one cent* each; and one person and no more shall be allowed to each team as a driver, to pass free of toll; and all persons who shall have occasion to pass said Bridge to perform military duty, shall pass free of toll; and the toll shall commence on the day of the first opening of said Bridge, and shall continue for the term of seventy years; and at the place where the toll shall be received, there shall be erected and constantly exposed a sign-board, with the rates of toll fairly and legibly written or printed thereon, in large letters.

Account of expenses, receipts and disbursements to be exhibited. SECT. 5. *And be it further enacted*, That the said Corporation, at the time of opening said Bridge, shall cause a true and just account of the expenses thereof; and at the end of every
 three

three years thereafterwards, a just and true account of the receipts and disbursements, to be returned into the office of the Secretary of this Commonwealth: And after fifty years from the opening of said Bridge, the General Court may regulate the rates of toll receivable thereat.

SECT. 6. *And be it further enacted,* That if the said Proprietors shall neglect, for the space of six years from the passing this Act, to build and erect said Bridge, then this Act shall be void and of no effect.

Time for building Bridge limited.

[This Act passed *March 8, 1803.*]

An ACT to incorporate a Number of the Inhabitants of the Town of *New-Gloucester*, into a separate Religious Society, by the Name of *The Baptist Society in New-Gloucester*.

WHEREAS by an Act passed the twenty-third day of *June*, A. D. 1790, the persons of the religious denomination called Baptists, in the towns of *New-Gloucester* and *Gray*, were incorporated into one Society: And whereas from the increased numbers and ability of said Society, it has become necessary that they should be divided, and hereafter become distinct Societies:

Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *James Allen, John Everton, Richard Tobie, Richard Tobie, jun. William Grocer, Isaac Grosz, Bela Hammond, Eliphalet Haskell, Gideon Haskell, Robert Herring, Levi Harsey, Robert Hunsford, David Lincoln, Robert Martin, John Martin, David Nelson, Thomas Penney, Robert Penney, Josiah Smith, James Stanchfield, Jonathan Somes, Samuel Tyler, Daniel Warren, John Warren, Stephen Washburn, Thomas Wharff, Thomas Wharff, jun. Amos Woodman, Joseph Woodman, John Woodman, and David Woodman,* with their families and estates, together with such others as may hereafter associate with them, and their successors, be, and they are hereby incorporated into a distinct religious Society, by the name of *The Baptist Society in New-Gloucester*, with all the powers and privileges, rights and immunities to which other religious Societies are entitled by the Constitution and laws of this Commonwealth.

Names of persons incorporated.

SECT. 2. *And be it further enacted,* That any person belonging to the said town of *New-Gloucester*, who may at any time hereafter see cause to leave the Society with which he or she has been connected, and shall desire to join with another religious Society in the said town, and shall give in his or her name

How to separate from or join the religious societies in New-Gloucester.

name to the Clerk of each of the said religious Societies, that he or she has united with, and actually become a member of such other religious Society, twenty days at least, previous to the annual meeting of each of the said Societies, and shall pay his or her proportion of all monies assessed in the Society previous thereto, such person shall thereafter, with his or her polls and estate, be considered as a member of the Society with which he or she has so united.

Part of former
Act repealed.

SECT. 3. *And be it further enacted*, That so much of the aforesaid Act passed the twenty-fourth day of *June*, one thousand seven hundred and ninety, as is inconsistent with the intention of the present Act, and as far as concerns the town of *New-Gloucester*, be, and the same is hereby repealed.

First meeting
to be called.

SECT. 4. *And be it further enacted*, That *Isaac Parsons*, Esq. or any other Justice of the Peace in the county of *Cumberland*, be, and hereby is authorized to issue a warrant, directed to some member of the said Society, requiring him to notify and warn the members of the said Baptist Society in *New-Gloucester*, to meet at such convenient time and place as shall be expressed in the said warrant, to choose all such officers as parishes are by law entitled to choose in the month of *March* or *April* annually.

[This Act passed *March 8*, 1803.]

An ACT to incorporate an Academy in the Town of *Bluehill*, by the Name of *Bluehill Academy*.

Preamble.

WHEREAS the encouragement of literature in the rising generation has ever been considered by the wise and good as an object worthy of the most serious attention, as the safety and happiness of a free people ultimately depend upon the advantages arising from a pious, virtuous and liberal education :

Whereas it appears that *John Peters*, Esq. and several other gentlemen, residing chiefly in the town of *Bluehill*, have subscribed to build and support an Academy for the term of ten years from the time of incorporation :

Academy to
be established.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That there be, and hereby is established in the town of *Bluehill*, in the county of *Hancock*, an Academy by the name of *Bluehill Academy*, for the purpose of promoting true piety and virtue, and for the education of youth in such liberal arts, sciences and languages, as opportunity may permit, and the Trustees hereinafter provided shall direct.

Trustees.

SECT. 2. *Be it further enacted*, That *David Cobb*, *John Peters*, *David Thurston*, *Jonathan Buck*, and *Thomas Cobb*, Esqrs.
Rev.

Rev. Jonathan Fisher, Rev. William Mason, Rev. Jonathan Powers, Messrs. Robert Parker, Theodore Stevens, Donald Ross, and John Peters, jun. be, and they hereby are nominated and appointed Trustees of the said Academy, and they are hereby incorporated into a Body Politic, by the name of *The Trustees of Bluehill Academy*, and they and their successors shall be and continue a Body Politic and Corporate by the same name forever.

SECT. 3. *And be it further enacted*, That the said Trustees — to have a
and their successors shall have one common seal, which they common seal
may make use of in any cause or business that relates to the said office of Trustees of said Academy; and they shall have power and authority to break, change and renew the said seal from time to time, as they shall see fit; and they may sue and be sued, in all actions, real, personal and mixed, and prosecute and defend the same unto final judgment and execution, by the name of *The Trustees of Bluehill Academy*.

SECT. 4. *And be it further enacted*, That the said David Cobb and others, the Trustees aforesaid, and their successors, be the true and sole Visitors, Trustees and Governors of the said Academy, in perpetual succession forever, to be continued in the manner hereafter specified, with full power and authority to elect such officers of said Academy, as they shall — to elect of-
judge necessary and convenient, and to make and ordain such ficers of the A-
laws, orders and rules for the good government of said Academy, as to them, the said Trustees and their successors, cademy.
shall from time to time seem fit and requisite: *Provided notwithstanding*, That the said rules, laws and orders be no way contrary to the laws of this Commonwealth.

SECT. 5. *And be it further enacted*, That the number of Trustees aforesaid, and their successors, shall not at any one time be more than thirteen, nor less than seven, five of whom shall constitute a quorum for transacting business; and a major part of the members present at any legal meeting, shall decide all questions that shall come before them.

And to perpetuate the succession of the said Trustees,

SECT. 6. *Be it further enacted*, That as often as one or more of the Trustees of the said *Bluehill Academy* shall die or resign, or in the judgment of the major part of the other Trustees, be rendered, by age or otherwise, incapable of discharging the duties of said office, then and so often, the Trustees then surviving and remaining, shall elect one or more persons to supply the vacancy or vacancies. Trustees to fill vacancies.

SECT. 7. *Be it further enacted*, That the Trustees aforesaid, and their successors, be, and hereby are rendered capable — may receive
in law to take and receive, by gift, grant, devise, bequest or oth- and hold prop-
erwise, any lands, tenements, or other estate, real and person- erty.
al:

al: *Provided*, That the annual income of the said real estate shall not exceed the sum of *two thousand dollars*, and the annual income of the personal estate shall not exceed the sum of *three thousand dollars*: To have and to hold the same to the said Trustees and their successors, on such terms and under such provisions and limitations as may be expressed in any deed or instrument of conveyance to them made: And all deeds and instruments which the said Trustees may lawfully make, shall, when made in the name of the said Trustees, and signed and delivered by the Treasurer, and sealed with the common seal, bind the said Trustees and their successors, and be valid in law.

SECT. 8. *Be it further enacted*, That *John Peters*, Esq. one of the Trustees aforesaid, be, and he hereby is authorized and empowered to appoint the time and place for holding the first meeting of said Trustees, and notify them thereof.

[This Act passed March 3, 1803.]

An ACT to change the Names of *Thomas Paine*, *Joseph Pope*, *David Child*, *Abijah Bond*, *Joseph Johnson*, *Abijah Savage jun.* *Jonathan Barney*, *Shubael Sowle*, and *James Jewett*, jun.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Thomas Paine*, attorney at law, shall be allowed to take the name of *Robert Treat Paine*; that *Joseph Pope*, merchant, shall be allowed to take the name of *Joseph Henry Pope*; that *David Child*, merchant, shall be allowed to take the name of *David Weld Child*; that *Abijah Bond*, a minor, shall be allowed to take the name of *William A. Bond*; that *Joseph Johnson*, merchant, shall be allowed to take the name of *Joseph Joy Johnson*; that *Abijah Savage*, jun. a minor, shall be allowed to take the name of *Henry Savage*; all of *Boston*, in the county of *Suffolk*: That *Jonathan Barney*, of the town and county of *Nantucket*, mariner, shall be allowed to take the name of *Jonathan Jenkins Barney*: That *Shubael Sowle*, of *Brookfield*, in the county of *Worcester*, shall be allowed to take the name of *Shubael Lyman*; and that *James Jewett*, jun. of *Potland*, in the county of *Cumberland*, gentleman, shall be allowed to take the name of *James Charles Jewett*: And each of the persons beforenamed shall, in future, be respectively known and called by the names which they are severally allowed to take as aforesaid; and the same shall be considered as their only proper names to all intents and purposes.

[This Act passed March 8, 1803.]

An ACT to incorporate a Number of Inhabitants in the Town of *New-Salem*, into a separate Religious Society, by the Name of *The Baptist Society in New-Salem.*

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Caleb Pearce, Jesse Aldrich, Nathaniel Fisk, Shadrich Haskins, George Haskins, William Walker, James Shaw, William Berry, Gregory Ellis, Henry Haskins, Shadrich Hoar, jun. Joseph Childs, Peter Atkins, Chipman Shaw, Shadrich Hoar, Abe Fisk, Samuel Upton, Simeon Pearce, Elibu Hoar, David Hunt, Ebenezer Vaughan, Abiether Walker, John Eddy, Timothy Upton, jun. Luke Haskins, Amos Thomas, Amos Thomas, jun. Peleg Aldrich, Jesse Pierce, Thomas Vaughan, Isaac Upton, John Larwells, Joshua Wyart, Hab Lynafsey, Barnabas Sears, and James Ashby, together with their polls and estates, be, and they hereby are incorporated by the name of The Baptist Society in New-Salem, with all the privileges, powers and immunities which parishes in this Commonwealth by law enjoy.*

Names of persons incorporated.

SECT. 2. *Be it further enacted, That any person in said town of New-Salem, who may at any time hereafter actually become a member of, and unite in religious worship with said Baptist Society, and give in his or her name to the Clerk of the parish to which he or she did heretofore belong, with a certificate signed by the Minister or Clerk of said Society, that he or she hath actually become a member of, and united in religious worship with said Baptist Society, fourteen days previous to the parish meeting therein to be held in the month of March or April annually, shall, from and after giving such certificate, with his or her polls and estate, be considered as a member of said Society: Provided however, That such person shall be held to pay his or her proportion of all monies assessed or voted in the parish to which he or she belonged previous to that time.*

How to become a member of said Society.

SECT. 3. *Be it further enacted, That when any member of said Society shall see cause to leave the same, and unite in religious worship with any other religious Society in the town or parish in which he or she may live, and shall give in his or her name to the Clerk of the Baptist Society aforesaid, signed by the Minister or Clerk of the parish or other incorporate Society with which he or she may unite, that he or she hath actually become a member of, and united in religious worship with such other parish or other incorporate religious Society, fourteen days previous to their annual meeting in March or April, and shall pay his or her proportion of all monies voted in*

How to leave the Society.

in said Society to be raised previous thereto, shall, from and after giving such certificate, with his or her polls and estate, be considered as a member of the Society to which he or she may so unite.

SECT. 4. *And be it further enacted, That Varney Pearce, Esq. be, and he is hereby authorized to issue his warrant, directed to some suitable member of said Society, requiring him to warn the members of said Society qualified to vote in parish affairs, to assemble at some suitable time and place in said town of New-Salem, to choose such parish officers as are by law required to be chosen in the months of March or April annually, and to transact all other matters and things necessary to be done in said Society.*

[This Act passed March 8, 1803.]

Repealed as to the extension from Portland to Augusta Bridge, March 11, 1805.

An ACT to establish a Corporation by the Name of *The Maine Turnpike Association.*

Names of persons incorporated.

SECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Samuel Freeman, Woodbury Storer, Isaac Parker, William Symmes, Daniel Tucker, Isaac Ilsey, Peter Warren, Stephen Waite, Stephen Patten, J. D. Hopkins, Jos. Holt Ingraham, Matt. Cobb, John Mussey, Samuel F. Hussey, Thomas Sandford, Thomas Webster, Robert Boyd, John Deane, James Neal, John Quinby, Abner Bagley, John Alden, and Robert Southgate, together with such others as may hereafter associate with them, and their successors, shall be a Corporation by the name and style of The Maine Turnpike Association; with all the powers and privileges usually given and belonging to similar Corporations, for the purpose of laying out, making and keeping in repair a turnpike road, from the line of the State of New-Hampshire to Portland, and from thence to Augusta Bridge, upon as straight a line as circumstances will admit; and erecting and keeping in repair such bridge or bridges as may be necessary on said route; which turnpike road shall not be less than four rods wide, and the part to be travelled on not less than twenty-four feet in width in any part thereof: And when said road, or any ten miles thereof, shall be sufficiently made, and shall be allowed and approved by a Committee appointed by each of the Courts of General Sessions of the Peace for each of the counties of York, Cumberland, Lincoln and Kennebec, for that purpose, (provided, that no member of either of said Committees shall have any share or interest in the said turnpike, and shall judge only of the portion of the said turnpike in the counties in which they reside,) then the said Turnpike Corporation shall*

Course of the road.

shall be authorized to erect turnpike gate or gates on the said road, at such place or places as the said Committee of the said Court of Sessions and the said Corporation shall judge necessary and convenient for collecting the toll: *Provided*, That no turnpike gate be erected on, or any toll demanded on any part of the present travelled roads; the said gates to be not less than ten miles distant from each other; and shall be entitled to receive of each traveller or passenger, at each of the said gates, the following rates of toll, viz. For each coach, phaeton, chariot, or other four-wheel carriage, drawn by two horses, *twenty-five cents*, and if drawn by more than two horses, an additional sum of *four cents* for each horse; for every cart, or waggon, drawn by two horses or oxen, *ten cents*, and if drawn by more than two horses or oxen, an additional sum of *three cents* for each horse or ox; for every curricule, *fifteen cents*; for every chaise, chair or other carriage, drawn by one horse, *twelve cents*; for every man and horse, *six cents*; for every sled or sleigh, drawn by two oxen or horses, *nine cents*, and if drawn by more than two oxen or horses, an additional sum of *two cents* for each ox or horse; for every sled or sleigh, drawn by one horse, *eight cents*; for all horses, mules, oxen, or neat cattle, led or driven, besides those in teams or carriages, *one cent* each; for all sheep or swine, at the rate of *six cents* for one dozen: *Provided*, That said Corporation may, if they see cause, commute the rate of toll with any Corporation, person or persons, by taking of him or them a certain sum annually, to be mutually agreed on in lieu of the toll aforesaid: And the said Corporation, at each place where the toll shall be collected, shall erect in a conspicuous place, and constantly keep exposed to open view, a sign or board, with the rates of toll of all the tollable articles fairly and legibly written thereon in large or capital characters.

Gates to be erected 10 miles distant.

Toll established.

Sign-board to be erected.

SECT. 2. *Be it further enacted*, That said Corporation may purchase and hold land over which they may make said road; and the Justices of the Court of General Sessions of the Peace in the counties of *York, Cumberland, Lincoln and Kennebec*, as with the consent of the said Corporation, they shall think proper: And the said Corporation shall be liable to pay all damages that may arise to any person by taking his land for such road, where the same cannot be obtained by voluntary agreement, to be estimated by a Committee appointed by the Court of General Sessions of the Peace of the county wherein the land lieth, saving to either party the right of trial by Jury, according to the law which makes provision for the recovery of damages arising from the laying out of highways.

Corporation allowed to hold the necessary land.

SECT. 3. *Be it further enacted*, That if said Corporation, or their toll-gatherers, or others in their employ, shall unreasonably

Penalty for de-
laying passen-
gers or ex-
acting illegal
toll.

Corporation li-
able for dama-
ges occasioned
by the road be-
ing out of re-
pair.

Penalty for in-
juring the road.

Penalty for im-
properly evad-
ing toll.

Shares deemed
personal estate,
and may be at-
tached.

ably delay or hinder any traveller or passenger at either of said gates, or shall demand or receive more toll than is by this Act established, the Corporation shall forfeit and pay a sum not exceeding *ten dollars* nor less than *two dollars*, to be recovered before any Justice of the Peace of the county where the offence shall be committed, by any person injured, delayed or defrauded, in a special action of the case; the writ in which shall be served on the said Corporation, by leaving a copy of the same with the Treasurer, or with some individual member living in the county where the action may be brought, or by reading the same to the said Treasurer, or individual member, at least seven days before the trial; and the Treasurer of the said Corporation, or individual member, shall be allowed to defend the same suit in behalf of the said Corporation: And the said Corporation shall be liable to pay all damages which may happen to any person from whom the toll is demandable, for any damage which shall arise from defect of bridges or want of repairs in the said way; and shall also be liable to presentment by the Grand Jury, for not keeping the same in repair.

SECT. 4. *Be it further enacted*, That if any person shall cut, break down or otherwise injure or destroy either of the said turnpike gates, or shall dig up or carry away any earth from the said road, or in any manner damage the same, or shall forcibly pass, or attempt to pass the said gates by force, without first having paid the legal toll at such gate, such person shall forfeit and pay a fine not exceeding *fifty dollars* nor less than *five dollars*, to be recovered by the Treasurer of the said Corporation to their use, in an action of trespass or on the case: And if any person with his team, cattle or horse, turn out of the said road to pass any of the turnpike gates, and again enter on the said road, with intent to evade the toll due by virtue of this Act, such person shall forfeit and pay three times so much as the legal toll would have been, to be recovered by the Treasurer of the said Corporation, to the use of the same, in an action of debt or on the case: *Provided*, That nothing in this Act shall extend to entitle the said Corporation to demand and receive toll of any person who shall be passing with his horse or carriage to or from public worship, or with his horse, team or cattle, to or from his common labour on his farm, or to or from any grist-mill, or on the ordinary and common business of family concerns, or from any person or persons passing on military duty.

SECT. 5. *Be it further enacted*, That the shares in the same turnpike road shall be taken, deemed and considered to be personal estate, to all intents and purposes, and shall and may be transferred; and the mode of transferring the said shares shall be by deed, acknowledged before any Justice of the Peace, and recorded by the Clerk of the said Corporation, in a book for that

that purpose to be provided and kept: And when any share shall be attached on *mesne process*, or taken in execution, an attested copy of such writ of attachment or execution shall, at the time of the attachment or taking in execution, be left with the Clerk of the said Corporation, otherwise the attachment or taking in execution shall be void; and such shares may be sold on execution in the same manner as is or may by law be provided for making sale of personal property on execution; and the officer making the sale, or the judgment creditor, leaving a copy of the execution, and the officer's return on the same, with the Clerk of said Corporation, within fourteen days after such sale, and paying for the recording of the same, shall be deemed and considered as a sufficient transfer of such share or shares in the said turnpike road.

SECT. 6. *Be it further enacted*, That the first meeting of the said Corporation shall be held at such time and place as shall be agreed on by the major part of the Proprietors, for the purpose of choosing a Clerk, who shall be sworn to the faithful discharge of the duties of his said office, and such other officers as may then and there be agreed on by the said Corporation: And the said Corporation may at the same time establish such rules and regulations as shall be judged necessary for the well-ordering of its affairs; and also upon a method for calling future meetings: *Provided however*, That such rules and regulations shall in no case be repugnant to the Constitution and laws of this Commonwealth.

First meeting
how to be called.

SECT. 7. *Be it further enacted*, That the said Corporation shall, within six months after the said road is completed, lodge in the Secretary's office an account of the expenses thereof; and that the said Corporation shall annually exhibit to the Governor and Council a true account of the income or dividend arising from the said toll, with their necessary annual disbursements on the said road; and that the books of the Corporation shall at all times be subject to the inspection of a Committee to be appointed by the General Court, or to the inspection of the Governor and Council when called for.

A statement of
receipts and ex-
penses to be
exhibited.

SECT. 8. *Be it further enacted*, That whenever any Proprietor shall neglect or refuse to pay any tax or assessment, duly voted and agreed upon by the Corporation, to their Treasurer, within sixty days after the time set for the payment thereof, the Treasurer of the said Corporation is hereby authorized to sell at public vendue the share or shares of such delinquent Proprietor, one or more, as shall be sufficient to defray the said taxes and necessary incidental charges, after having given public notice of such sale in the newspapers printed in the counties of York, Cumberland, Lincoln and Kennebeck; and in case there shall be

Shares of de-
linquent Pro-
prietors may be
sold. Manner
of sale, &c.

no

no newspaper printed in either county at the time, then in the newspaper at such place as shall be the nearest to the said turnpike road, the sum due on any such shares, and the time and place of sale, at least thirty days previous to the time of sale; and such sale shall be a sufficient transfer of the share or shares so sold, to the person purchasing the same; and on producing a certificate of such sale, from the Treasurer to the Clerk of the said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the books of the said Corporation, and such person shall be considered to all intents and purposes the Proprietor thereof; and the overplus, if any there be, shall be paid on demand, by the Treasurer, to the person whose shares were then sold.

The General Court may dissolve the Corporation when they are compensated, &c.

SECT. 9. *And be it further enacted*, That the General Court may dissolve the said Corporation, whenever it shall appear to their satisfaction, that the income arising from the said toll shall have fully compensated the said Corporation for all monies they may have expended in purchasing, repairing and taking care of the said road, together with an interest thereon at the rate of *twelve per cent.* by the year; and thereupon the property of the said road shall be vested in this Commonwealth, and be at their disposal: *Provided however*, That if the said Corporation shall neglect to complete the said turnpike road for the space of ten years from the passing of this Act, the same shall be void and of no effect.

[This Act passed March 8, 1803.]

An ACT to incorporate *The Brookfield First Parish Library Company.*

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Rev. Ephraim Ward, Dwight Foster, and Jabez Upham, Esqrs. and their associates, all of Brookfield, in the county of Worcester, Proprietors of a Social Library in the first parish in said town, be, and they are hereby incorporated into a Body Politic by the name of *The Brookfield First Parish Library Company*; and that they and their successors shall be and continue a Body Politic and Corporate; and may have and use a common seal, which they may at pleasure break, alter and renew; and may appear in any Courts, and prosecute and defend in any actions or suits at law, by the same name forever.

Donations allowed and confirmed.

SECT. 2. *Be it further enacted*, That all the monies, books or other property or things already given, or which shall be hereafter given, granted, devised, bequeathed, transferred or assigned to the Proprietors of said Library, shall be, and the same

same are hereby confirmed to the said Corporation, and to their successors forever: *Provided*, That the said Company shall hold no property, real or personal, by virtue of this Act, which shall at any one time exceed in value the sum of *five thousand dollars*.

SECT. 3. *And be it further enacted*, That the said Corporation shall have power to elect and appoint such officers as they may judge necessary; to fix the tenures, and prescribe the duties and powers of the respective offices; to raise such monies by assessments on the several shares in said Library, as the said Corporation may judge necessary for preserving and increasing the same; and for the management of the affairs of said Corporation, to make by-laws for the due regulation of its concerns, not repugnant to the Constitution and laws of this Commonwealth; and to annex and recover penalties for any breach of said by-laws, not exceeding *three dollars* for any one breach thereof.

Power of the Corporation to make rules, elect officers, &c.

SECT. 4. *And be it further enacted*, That *Dwight Foster*, Esq. be, and hereby is authorized to fix the time and place for holding the first meeting of said Corporation, and to notify the members thereof.

First meeting.

[This Act passed June 6, 1803.]

An ACT to authorize the North Parish in *Scituate*, in the County of *Plymouth*, to sell certain Lands given for the use of the Ministry in said Parish, and to incorporate certain Persons as Trustees to manage the Funds that may be raised by said Sale for the permanent Support of the Gospel Ministry in said Parish.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the inhabitants of the said north parish in *Scituate* be, and they hereby are authorized and empowered by their agents chosen for that purpose, to sell and pass deeds to convey all the lands and buildings standing thereon, which were originally laid out or granted by the Proprietors of *Cohasset*, alias *Cobasset*, to the Church and Society in the northernmost part of said *Scituate*, for the use of the Ministry: And that *Hayward Pierce*, *James Little*, *Augustus Clapp*, *Calvin Pierce*, and *Seth Merritt*, all of said *Scituate*, be, and they are hereby appointed and incorporated Trustees for the due management of the fund that shall arise from said sale, to receive and hold the same in trust for the use and benefit of said parish, and the permanent support of a Gospel Minister therein, and shall

Inhabitants authorized to sell certain lands to raise a fund.

shall constitute a Body Politic and Corporate, to have perpetual succession, consisting of persons belonging to said parish, for the due and faithful management of said trust, and shall be vested with all powers incident to Corporations necessary or requisite for that purpose.

Trustees may
receive dona-
tions.

SECT. 2. *Be it further enacted*, That the Trustees before-mentioned, and their successors in office, be, and hereby are vested with sufficient power to receive any donations of money or other property that may be made to said parish: *Provided*, the whole annual income of said fund shall not exceed *one thousand dollars*, and place the same at interest on good security at their discretion, and apply the whole or so much as may be necessary, of the interest arising therefrom, to pay the salary of such Minister as aforesaid, as the majority of the Church and Congregation in said parish have or may settle; but not in any case to lessen or make use of any part of the principal; and in case the whole of the annual income and interest should be more than sufficient to pay the salary of the minister for the time being, agreeably to the contract with him, then the surplus shall be added to the principal, until the interest and income shall amount to *one thousand dollars* yearly; unless said parish, at a legal meeting called for that purpose, shall otherwise appropriate said surplus for the payment of other parish charges, which they are hereby authorized to do: And if it shall so happen that said Trustees shall become seized of lands or tenements, by levying executions for the discharge of debts due to said Trustees or parish, or as security for the payment of debts due to said Corporation; and the fee thereof shall, in due course of law, be vested in them, it shall be lawful for the said Trustees for the time being, to make and execute good and well authenticated deeds of the same; *provided* the sale thereof be concluded on at any legal meeting of said parish.

Case of income
being more
than sufficient
to pay the
minister's sala-
ry.

Return to be
made by the
Trustees.

SECT. 3. *Be it further enacted*, That said Trustees shall make annual return in writing, of their proceedings and disbursements, and lay the same before said parish at their annual meeting in *March* or *April*, for their inspection.

Case of vacan-
cy among the
Trustees.

SECT. 4. *Be it further enacted*, That when any vacancy happens among the said Trustees or their successors, either by death, resignation or removal, the said north parish, at any meeting legally warned for that purpose, shall fill up said vacancy within three months after it shall happen, and if the said parish neglect so to do within that time, then the said Trustees, by a major vote, shall have power to fill up such vacancy.

[This Act passed June 10, 1803.]

An

An ACT to incorporate certain Persons as Trustees of a Fund for the Support of a Congregational Teacher of Piety, Religion and Morality, in the First Precinct in *Middleborough*, in the County of *Plymouth*.

WHEREAS the inhabitants of the First Precinct in *Middleborough*, having signified to this Court that they are possessed of about *twenty-six hundred and fifty dollars*, which they wish to have appropriated for the purpose of supporting a Congregational Teacher of piety, religion and morality, and for other parochial purposes, and to have Trustees incorporated for the purpose of managing said Fund : Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *Isaac Thompson, Nathaniel Wilder, Ebenezer Cox, William Thomson, and Noah Cushman* be, and hereby are appointed Trustees to manage such funds as are or shall be raised and appropriated to the uses aforesaid ; and for that purpose they and their successors are hereby incorporated into a Body Corporate forever, by the name of *The Trustees of the Funds for the Support of a Congregational Teacher of Piety, Religion and Morality in the First Precinct in Middleborough*, and by that name shall be, and hereby are made capable in law, to sue and be sued, plead and be impleaded, defend and be defended, in any courts of record or any other place whatever ; and also to make, have and use a common seal, and the same again at pleasure to break, alter and renew. Trustees.

SECT. 2. *Be it further enacted,* That said Trustees be, and hereby are vested with full power to receive into their hands all monies and securities for monies already raised, and all monies, subscriptions, donations and securities for real and personal estates that may hereafter be given, raised or subscribed for the purpose aforesaid ; and may sell and convey by good and well authenticated deeds, any lands and tenements whereof the fee may vest in them by virtue of mortgage or execution. Trustees to receive monies, securities, donations, &c.

SECT. 3. *Be it further enacted,* That the aforesaid fund shall be put to use or interest, or vested in any of the public stocks, funds or banks in this Commonwealth, until it shall accumulate, by interest or income thereon, together with such donations as hereafter may be made, to the sum of *six thousand dollars*, and then the interest or income arising from said fund may be appropriated and applied to pay the salary of a public teacher before described : *Provided however,* That should said Trustees be possessed of a capital, the annual income whereof shall be more than sufficient to discharge the salary Fund to be put at interest.
Case of the income being more than sufficient to pay the salary of the minister.

June 15, An. 1803.

salary aforesaid, the surplus may be applied to the payment of necessary precinct charges, or for the support of schools, as said precinct from time to time shall direct; or the same may be appropriated to augment said fund within the limitation hereafter expressed.

Trustees hold estate. **SECT. 4.** *Be it further enacted,* That said Trustees are hereto by made capable of holding as aforesaid real and personal estate, the annual income of which shall not exceed *six hundred dollars*; and no part of the capital of said fund shall ever be expended.

— may be chosen annually. **SECT. 5.** *Be it further enacted,* That the said Trustees and their successors shall hold their offices until others shall be chosen in their stead, and they have declared their acceptance to the Clerk of said precinct; and said precinct may (if they see cause) choose such number of Trustees as they shall judge necessary, annually, in the months of *March* or *April*, and may also, at any legal meeting of said precinct, duly warned for the purpose, choose a Trustee or Trustees to supply any vacancies that may happen.

An annual statement to be exhibited. **SECT. 6.** *Be it further enacted,* That the said Trustees shall each year in the month of *March* or *April* at the annual meeting of said precinct, exhibit a fair statement of their proceedings, and of the state of their funds under their management, and are hereby severally made amenable to said precinct, and liable in law to answer to said precinct out of their own estates, for any embezzlement, neglect or wilful mismanagement of said fund.

Trustees to elect a President, Treasurer, &c. **SECT. 7.** *Be it further enacted,* That the Trustees for the time being may elect a President, Clerk and Treasurer, the Clerk and Treasurer to be under oath faithfully to perform their duty; and the Treasurer shall receive into his hands the notes and monies from said Trustees, and under their directions shall put the same to use or interest, or vest them in funds, stocks or banks as aforesaid, always taking good and sufficient securities for the same; and shall himself give bonds to said Trustees, with sureties to their satisfaction, for the faithful performance of his duty.

[This Act passed June 15, 1803.]

Feb. 22, 1803. An ACT to amend an Act, entitled, "An Act to establish an Academy at *Lenox*, in the County of *Berkshire*."

Name altered. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this Act, the *Berkshire Academy* established at *Lenox*, in the county of *Berkshire*, shall be

be called and known by the name of *Lenox Academy*; and the Trustees thereof, by the name of *The Trustees of Lenox Academy*, shall be and continue a Corporation, vested with all the powers, capacities and rights, and subject to all the duties, heretofore belonging to *The Trustees of Berkshire Academy*.

[This Act passed June 15, 1803.]

An ACT to incorporate *Mark Langdon Hill*, and others, for the Purpose of building a Bridge across *Back River*.

WHEREAS application has been made to this Court for permission to build a Bridge over *Back River*, in the town of *Georgetown*, in the county of *Lincoln*; and it appearing that a Bridge in said place will be of public utility:

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Mark Langdon Hill* and *Denny McCobb*, Esqrs. together with their associates, and those who shall hereafter associate with them, with their heirs and assigns, be, and hereby are constituted a Corporation and Body Politic by the name of *The Proprietors of the Back River Bridge*, for the purpose of erecting a Bridge over said *Back River*, at or near a place called *Hell-Gate*: Provided, That within the term of seven years from the passing this Act, the said Bridge shall be built, kept open, free, and made convenient and safe for the accommodation of travellers; and that the said Bridge be so constructed, as that a gondola loaded with hay may conveniently pass under the same.

[This Act passed June 15, 1803.]

An ACT to incorporate the Plantation called *Vaughantown*, in the County of *Kennebeck*, into a Town by the Name of *Harmony*.

SECT. 1. BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the plantation called *Vaughantown*, in the county of *Kennebeck*, bounded as follows: Beginning at a cedar tree marked S. W. 1790, standing on the north-westerly banks of *Moose* or *Pickerell Pond*, the same pond being on the west branch of *Sebasticook River*; thence running west three miles and fifty-six rods, to a spruce tree marked, being the south-west corner of township No. 2, in the second range north of the *Plymouth Claim*; thence north six miles, to a beach

Boundaries of
the town of
Harmony.

beach tree marked, standing in the south line of the one million acres sold to *William Bingham*, Esq.; thence east six miles on the south line, to a beach tree marked, and a large heap of stones, being the south-east corner of said million acres; thence south six miles, to a large spruce tree marked; thence west about one hundred rods to the aforesaid *Moose or Pickerell Pond*; thence by said pond, on the northerly side thereof, to the first-mentioned bounds; containing twenty-three thousand and forty acres, as by the survey and plan of the same, made by *Samuel Weston*, Esq. in the year 1790; with the inhabitants thereon, be, and they hereby are incorporated into a town by the name of *Harmony*; and the said town is hereby vested with all the powers, privileges and immunities which other towns in this Commonwealth do or may by law enjoy.

E. Weston empowered to call first meeting.

SECT. 2. *Be it further enacted*, That *Eli Weston*, Esq. be, and he hereby is empowered to issue his warrant, directed to some suitable person within said town, requiring him to warn a meeting of the inhabitants thereof, at such time and place as shall be expressed in said warrant, for the purpose of choosing such town-officers as other towns are empowered to choose in the months of *March* or *April* annually.

[This Act passed June 15, 1803.]

An ACT to ascertain and establish the Bounds of the Town of *Lyman*, late *Coxhall*, in the County of *York*.

Preamble.

WHEREAS by an Act passed *April 24*, 1780, incorporating the plantation of *Coxhall*, in the county of *York*, into a town by that name, the bounds therein mentioned are vague and uncertain: For remedy whereof,

Boundaries established.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the town of *Lyman*, formerly *Coxhall*, shall hereafter be bounded as follows, any thing in the Act aforesaid to the contrary notwithstanding, viz. Beginning on the westerly side of *Moufom River*, at a pit or pine stump, on the edge of the bank of the said river, and on the head line of the town of *Wells*; from thence to run north-east on the head line of said *Wells* and *Arundel* six miles, to the west line of the town of *Phillipsburgh*; thence to run north about twenty-four degrees and one half west, joining on said *Phillipsburgh*, six miles, and one hundred and twenty rods to a stake; thence from said stake to run on a south-west course, which is parallel to the head line of *Wells* and *Arundel* six miles, or until it comes to the easterly side line of the district of *Alfred*; from thence south about twenty-one degrees east, joining on said *Alfred* line, to the pine stump, by said *Moufom River* first-mentioned.

[This Act passed June 16, 1803.]

An ACT authorizing the Sale of the School Lands in the Town of *New-Gloucester*, to raise a Fund for the Support of Schools in said Town, and for appointing Trustees for those Purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *Nathaniel C. Allen, and Peleg Chandler, jun.* Trustees. Esqrs. *Col. Moses Merrill, and Messrs. John Woodman, David Nelson, Nathaniel Jenks, and Thomas Johnson,* be, and hereby are appointed Trustees to sell the school lands in the said town of *New-Gloucester*, and to put out at interest the monies arising from such sale in manner hereinafter mentioned: And for that purpose,

SECT. 2. *Be it further enacted,* That the said Trustees be, and they hereby are incorporated into a Body Politic, by the name of *The Trustees of New-Gloucester Schools in the County of Cumberland*; and they and their successors shall be and continue a Body Politic and Corporate by that name forever: And they shall have a common seal, subject to alteration at their pleasure; and they may sue and be sued in all actions, real, personal or mixed, and prosecute and defend the same to final judgment and execution by the name aforesaid. — incorporated.

SECT. 3. *Be it further enacted,* That the said Trustees and their successors, shall and may annually elect a President, Clerk to record the doings and transactions of the Trustees at their meetings, and a Treasurer to receive and apply the monies hereinafter mentioned, as hereinafter directed, and any other needful officers for the better managing their business. — may elect a President, Treasurer, &c.

SECT. 4. *Be it further enacted,* That the number of Trustees shall not at any one time be more than seven, nor less than five; any five of their number to constitute a quorum for transacting business; and they shall and may from time to time fill up vacancies in their number, which may happen by death, resignation or otherwise, from the inhabitants of said town; and shall have power to remove any of their number who may become unfit and incapable, from age, infirmity, misconduct or any other cause, of discharging their duty, and supply vacancies so made, by a new choice from the town aforesaid: And the said Trustees shall annually hold a meeting in *March or April*, and as much oftener as may be found necessary to transact their necessary business; which meetings, after the first, shall be called in such way and manner as the Trustees shall hereafter direct. Number of Trustees limited.

SECT. 5. *Be it further enacted,* That *Isaac Parsons, Esq.* be, and he hereby is authorized to fix the time and place for holding I. Parsons to call first meeting.

holding the first meeting of the Trustees, and to notify each Trustee thereof.

Trustees au-
thorized to sell
lands.

SECT. 6. *Be it further enacted,* That said Trustees be, and they hereby are authorized to sell and convey in fee simple, all the school lands belonging to the said town, and to make, execute and acknowledge a good and sufficient deed or deeds thereof, which deed or deeds, subscribed by the name of their Treasurer, by direction of said Trustees, with their seal there-to affixed, shall be good and effectual in law to pass and convey the fee simple from said town to the purchaser, to all intents and purposes whatever.

Monies arising
from the sales
to be put at in-
terest.

SECT. 7. *Be it further enacted,* That the monies arising from the sale of said lands, together with all donations or grants that may hereafter be made to said Corporation for the use of schools in said town, shall be put to use as soon as may be, and secured by mortgage of real estate to the full value of the estate sold, or money loaned, or by two or more sufficient sureties, with the principal, unless the Trustees shall think it best to invest the same in public funded securities or bank stock, which they may do.

Appropriation
of interest.

SECT. 8. *Be it further enacted,* That the interest arising from said fund shall be annually appropriated for the use of public schools in said town; and it shall never be in the power of said town to alter or alienate the appropriation of the fund aforesaid.

Treasurer to
give bond.

SECT. 9. *Be it further enacted,* That the Treasurer of the Trustees shall give bond faithfully to perform his duty, and to be at all times responsible for the faithful application and appropriation of the monies which may come into his hands conformably to the true intent and meaning of this Act, and for all negligence or misconduct of any kind in his office.

Compensation
of Trustees.

SECT. 10. *Be it further enacted,* That the Trustees or their officers for the services they may perform, shall be entitled to no compensation out of any monies arising from the fund aforesaid, but a reasonable compensation shall be paid them by the town aforesaid.

Annual state-
ments.

SECT. 11. *Be it further enacted,* That the said Trustees and their successors shall exhibit to the town at their annual meeting in *March* or *April*, a regular and fair statement of their doings.

Trustees re-
sponsible for
misconduct.

SECT. 12. *Be it further enacted,* That the said Trustees and each of them, shall be responsible to the town for their personal negligence or misconduct, whether they be officers or not, and liable to a suit for any loss or damage arising thereby, the debt or damage recovered in such suit, to be for the use aforesaid.

[This Act passed *June 16, 1803.*]

An

An ACT in addition to an Act, entitled, "An Act for incorporating certain Persons for the Purpose of laying out and making a Turnpike Road from Salem to Charles River Bridge, for building the necessary Bridges in said Road, and for supporting the same." March 6, 1802.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the power which is given to the Justices of the Supreme Judicial Court to authorize the erection of gates on said road, be, and hereby is given to three Commissioners, whom His Excellency the Governor of this Commonwealth, with advice of Council, is hereby requested to appoint for the purpose of authorizing the erection of said gates on the same conditions, and in the same manner as are particularly mentioned and described in the third and fourth sections of an Act, entitled, An Act for incorporating certain persons for the purpose of laying out and making a turnpike road from Salem to Charles River Bridge, for building the necessary bridges on said road, and for supporting the same. Power to authorize gates transferred to Commissioners.

SECT. 2. *Be it further enacted by the authority aforesaid,* That the clauses in the third and fourth sections of the Act, to which this is an addition, which vests the power to authorize the erection of said turnpike gates in the Justices of the Supreme Judicial Court, be, and they hereby are repealed. Clauses of former Act repealed.

[This Act passed June 18, 1803.]

An ACT in addition to an Act, entitled, "An Act to empower the town of Boston to choose a Board of Health, and for removing and preventing Nuisances."

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That whenever any prisoner confined in the gaol in Boston, shall be attacked with any contagious malignant fever, and in the opinion of any two reputable physicians, endangers the health of other prisoners in said gaol, or of the inhabitants of the neighbourhood, it shall be the duty of the sheriff or gaoler of the county to make known the situation of such prisoner to the Board of Health for the town of Boston, who shall thereupon, if they see fit, assign an apartment for the reception and accommodation of such sick person, upon Rainsford's Island; and the said sheriff is hereby empowered Case of prisoners in Boston gaol having a contagious fever.

ered to remove such prisoner, and to cause such apartment to be effectually secured, so that such prisoner may not escape from his custody, or to appoint some person to guard him in his confinement; and the apartment in which said prisoner shall be during this removal and confinement at *Rainsford's Island*, shall be considered as the common gaol of the county; and the whole expense of such removal and safe keeping, and also the expense of such physician as may attend him, and all other necessary expenses which may occur in consequence thereof, shall be paid by such prisoner if able, otherwise in like manner as such expenses have heretofore been usually paid: *Provided however*, That if such prisoner be confined for debt, it shall be necessary to obtain the consent of his creditor and also his own consent to such removal: And if such prisoner has the liberty of the gaol yard in *Boston*, then the consent to such removal shall be first had in writing of the sureties of such prisoner: And any act of a prisoner for debt, removed as aforesaid, which would have been an escape, had he remained in the gaol in *Boston*, shall be an escape, and may be assigned as a breach of the condition of the bond given for the liberty of the yard.

Proviso in case of a debtor.

The Board to give notice of the existence of contagious sickness.

SECT. 2. *And be it further enacted by the authority aforesaid*, That whenever any contagious sickness shall prevail in any part of the town of *Boston*, and in the opinion of any three respectable physicians, the health of the inhabitants in the vicinity may be endangered by the prevalence of such contagious sickness, it shall be the duty of the Board of Health to give notice to the inhabitants in the vicinity, that such contagious sickness is prevalent; and the said Board of Health is hereby empowered to cause all the avenues to such infected places to be shut up, and guards placed so as to prevent all unnecessary communication with such infected places.

Penalty for any owner or master of a vessel who shall make a false declaration.

SECT. 3. *And be it further enacted by the authority aforesaid*, That whenever quarantine is imposed on any vessel coming from abroad, and the owner, consignee, master or other person interested in such vessel or her cargo, shall be interrogated by any member of the Board of Health in his official capacity or by the visiting Physician of said Board, respecting any circumstance or event, touching the health of the crew or passengers on such vessel, or any infection suspected in the cargo, from the time of her first engaging upon the voyage she may then be terminating, and the said owner, consignee, master or other person interested as aforesaid, shall make any false or unfounded declaration respecting the points under examination, every such owner, consignee, master or other interested person, upon conviction thereof, in manner as pointed out in the eighth section of the law to which this is an addition,

tion, shall forfeit and pay a fine not exceeding *five hundred dollars*, suffer six months imprisonment, either or both at the discretion of the Court having cognizance of such offence.

SECT. 4. *And be it further enacted by the authority aforesaid,* That all fines and forfeitures arising under this Act, shall ac- Appropriation of funds.
crué to the Board of Health for the use of the town of *Bos-*
ton.

[This Act passed *June 18, 1803.*]

An ACT in addition to an Act, entitled, "An Act establishing *The Tenth Massachusetts Turnpike Cor-* June 16, 1800.
poration."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the time allowed to said Corporation for completing the turnpike road in said Act mentioned, be, and the same is hereby lengthened out until the first day of *March* next.

[This Act passed *June 18, 1803.*]

An ACT in addition to an Act, entitled, "An Act regulating the Collection of Taxes in the Town of *Boston*, and providing for the Appointment of Con- June 18, 1802.
stables in the said Town."

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Treasurer of said town of *Boston*, his deputy or deputies, shall be empowered to collect all such taxes as may be outstanding and uncollected at the time of his being chosen to the office of Treasurer, such Treasurer and his deputies first giving bonds for the faithful discharge of their duty, in such sums and with such sureties as the Selectmen of said town shall think proper. Treasurer to collect taxes outstanding at the time of his election.

SECT. 2. *And be it further enacted,* That the said Treasurer may issue his warrant to his deputy or deputies for the collecting and gathering in such part of the rates or assessments as, in his discretion, he shall think proper to commit to such deputy or deputies, which warrant shall be in the same tenor with the warrant prescribed to be issued by the Selectmen or Assessors for the collecting and gathering in of the State rates or assessments, *mutatis mutandis.* — to issue warrant to his deputy.

[This Act passed *June 18, 1803.*]

An ACT to set off *Willard Robbins*, with his Estate, from the Town of *Groton*, in the County of *Middlesex*, and to annex the same to the Town of *Dunstable*, in the same County.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Willard Robbins*, of *Groton*, in the county of *Middlesex*, with his estate, be, and hereby is set off from said town of *Groton*, and annexed to the town of *Dunstable*, in said county, there to do duty and receive privileges in the same manner as other inhabitants of the said town of *Dunstable*.

W. Robbins
moved to
Dunstable.

Accountable
for taxes.

SECT. 2. And be it further enacted, That the said *Willard Robbins* shall be holden to pay and discharge all legal assessments and taxes that have been assessed upon him by said town of *Groton* prior to the passing this Act.

[This Act passed June 18, 1803.]

June 18, 1796. An ACT in addition to an Act, entitled, "An Act for incorporating certain Persons for the Purpose of building a Bridge over *Connecticut River*, in the County of *Hampshire*, and for supporting the same."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the toll for each waggon, cart, sled, sleigh, or other carriage of burthen, drawn by four beasts, passing said Bridge, shall be *twenty-five cents*; any thing in an Act, entitled, "An Act for incorporating certain persons for the purpose of building a Bridge over *Connecticut River*, in the county of *Hampshire*, and for supporting the same," or in an Act in addition to the said Act, to the contrary notwithstanding.

[This Act passed June 20, 1803.]

An ACT in addition to an Act, entitled, "An Act for incorporating certain Persons for the Purpose of building a Bridge over *Charles River*, between *Boston* and *Charlestown*."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That it shall be lawful for the Proprietors of *Charles River Bridge*, and they hereby are authorized and empowered, to make the leaves of the draw directed by an Act, entitled, "An
Act

Act for incorporating certain persons for the purpose of building a Bridge over *Charles River*, between *Boston* and *Charlestown*, to be erected and kept on said Bridge, thirty feet long, instead of forty-two feet: *Provided*, That the width of said draw shall at no time be reduced.

[This Act passed June 20, 1803.]

An ACT to incorporate the Plantation called *Abbottstown* or No. 1, in the County of *Kennebeck*, into a Town by the Name of *Temple*.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the plantation called *Abbottstown* or No. 1, in the county of *Kennebeck*, described in the following bounds, together with the inhabitants thereon, be, and hereby are incorporated into a town by the name of *Temple*: Beginning at a hemlock tree standing at the north-westerly corner of *Farmington*; thence running south by said *Farmington* two miles; thence south thirteen degrees, east one mile and three-quarters of a mile, to a hemlock tree standing at the north-easterly corner of *Tyng's* township; thence running by *Tyng's* township, south seventy-five degrees, west five miles and one quarter of a mile, to a hemlock tree standing at the north-westerly corner thereof; thence north ten degrees, west five miles and one hundred and fourteen rods, to a beach tree; thence north seventy-five degrees, east five miles and two hundred and fifty-eight rods, to a beach tree standing in the west line of *Reed's* township; thence running south by *Reed's* township two miles, to the first-mentioned bound: And the said town is hereby vested with all the powers, privileges and immunities which other towns in this Commonwealth do or may enjoy by the Constitution and laws of this Commonwealth.

Boundaries of
Temple.

SECT. 2. *And be it further enacted*, That *Benjamin Whitier*, Esq. is hereby authorized to issue his warrant, directed to some suitable inhabitant of said town of *Temple*, requiring him to notify and warn the inhabitants thereof qualified to vote in town affairs, to meet at such time and place as shall be expressed in his said warrant, to choose all such officers as towns are by law authorized to choose in the month of *March* or *April* annually.

B. Whitier,
Esq. authorized
to call first
meeting.

[This Act passed June 20, 1803.]

AN

An ACT to incorporate a Part of the Plantation called *Industry*, in the County of *Kennebeck*, into a Town by the Name of *Industry*.

Boundaries of
the town of In-
dustry.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the part of the plantation called *Industry*, in the county of *Kennebeck*, contained within the following boundaries, together with the inhabitants thereon, be, and hereby are incorporated into a town by the name of *Industry*: Beginning at the south-west corner of *Starks*; thence running south one hundred and sixty rods to *New-Sharon*; thence north-west by *New-Sharon* five miles; thence north three miles to *New-Vineyard*, so called; thence east by said *New-Vineyard* four miles, to the north-west corner of *Starks*; thence south by the west line of *Starks* six miles, to the first-mentioned bounds: And the said town is hereby vested with all the powers, privileges and immunities which other towns in this Commonwealth do or may enjoy by the Constitution and laws of this Commonwealth.

S. Prescott, Esq.
authorized to
call first meet-
ing.

SECT. 2. *And be it further enacted,* That *Samuel Prescott*, Esq. is hereby authorized to issue his warrant, directed to some suitable inhabitant of said town of *Industry*, requiring him to notify and warn the inhabitants thereof, qualified to vote in town affairs, to meet at such time and place as shall be expressed in said warrant, to choose all such officers as towns in this Commonwealth are by law required to choose in the month of *March* or *April* annually.

[This Act passed June 20, 1803.]

An ACT to incorporate the Plantation of *Oxford*, in the County of *York*, into a Town by the Name of *Albany*.

Boundaries of
the town of
Albany.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the plantation heretofore known by the name of *Oxford*, in the county of *York*, as described within the following bounds, together with the inhabitants thereon, be and hereby are incorporated into a town by the name of *Albany*: Beginning at a pond at the north-easterly corner of *Wateford*; thence north twenty degrees, west six miles and one hundred and thirty rods, to the south line of *Bethel*; thence west twenty degrees, south on *Bethel* line aforesaid, five and half miles; thence south twenty degrees, east about seven miles,

miles, to *Waterford* line; thence northerly by said *Waterford* line, to the bounds first-mentioned: And the said town is hereby vested with all the powers, privileges and immunities which other towns do or may enjoy, by the Constitution and laws of this Commonwealth.

SECT. 2. *And be it further enacted*, That *Ezekiel Merrell*, Esq. of *Waterford* aforesaid, is hereby authorized to issue his warrant, directed to some suitable inhabitant of said town of *Albany*, requiring him to notify and warn the inhabitants thereof, qualified to vote in town affairs, to meet at such time and place as shall be expressed in his warrant, to choose all such town officers as towns are by law required to choose in the months of *March* or *April* annually.

[This Act passed June 20, 1803.]

An ACT in addition to an Act, entitled, "An Act for establishing a Corporation by the Name of *The Fifth Massachusetts Turnpike Corporation*." March 1, 1799.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Proprietors of *The Fifth Massachusetts Turnpike Corporation* be, and they are hereby authorized and empowered to lay out and make a turnpike road from the line of the town of *Winchester*, in the State of *New-Hampshire*, to the turnpike road leading through *Warwick*; and the same proceedings shall be had in laying out said road, where the land cannot be obtained by voluntary consent, as is provided in the Act, entitled, "An Act for establishing a Corporation by the name of *The Fifth Massachusetts Turnpike Corporation*."

Turnpike authorized from Winchester, N. H. to Warwick, Mass

SECT. 2. *Be it further enacted*, That when the road aforesaid shall be made and accepted by a Committee appointed for that purpose, by the Court of General Sessions of the Peace for the county of *Hampshire*, the Proprietors of said Corporation shall be allowed to move the gate which now stands in *Warwick* to *Orange*, east of where the road from *Winchester* shall intersect the present turnpike road.

Warwick turnpike gate to be moved.

SECT. 3. *Be it further enacted*, That if any person shall cut or fall any tree into the turnpike road, or shall lay any timber, boards, rails, sticks or stones whatever, which shall be an obstruction to the travellers, or an injury to the Proprietors in maintaining or repairing the road, he shall forfeit and pay to the use of the Corporation for every such offence, a sum not exceeding *ten dollars*, nor less than *one dollar*, to be recovered by an action of trespass on the case, before any Justice of the Peace in the county where the offence is committed.

Penalty for obstructing or injuring road.

[This Act passed June 21, 1803.]

An ACT to empower the Selectmen of *Cambridge* to increase the Number of Engine-Men in said Town.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Selectmen of the town of *Cambridge* be, and they hereby are authorized and empowered, at any time after the passing of this Act, to appoint (if they shall judge it necessary) any number of men, not exceeding six to each engine, in addition to the number now allowed by law; to be subject to the same rules and regulations, and entitled to the same privileges and exemptions, as other engine-men.

[This Act passed June 21, 1803.]

An ACT to incorporate the Township called No. 6, on the eastern Side of *Penobscot River*, in the County of *Hancock*, into a Town by the Name of *Surry*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the township called No. 6, on the eastern side of *Penobscot River*, in the county of *Hancock*, bounded as follows, viz. On the west by the town of *Bluehill* and *Bluehill Bay*; on the north by the towns of *Penobscot* and *Elsworth*; and on the east and south by *Union River* and *Union River Bay*; with the inhabitants thereon, be, and they hereby are incorporated into a town by the name of *Surry*; and the said town is hereby vested with all powers, privileges and immunities which other towns in this Commonwealth do or may by law enjoy.

Boundaries of
the town of
Surry.

SECT. 2. *And be it further enacted,* That *Melatiah Jordan*, Esq. be, and he hereby is empowered to issue his warrant, directed to some suitable inhabitant within said town, requiring him to warn a meeting of the inhabitants thereof, to meet at such time and place as shall be expressed in said warrant, for the purpose of choosing such town officers as other towns are empowered to choose in the months of *March* and *April* annually.

M. Jordan,
Esq. authorized
to call first
meeting.

[This Act passed June 21, 1803.]

An

An ACT to incorporate the Proprietors of the Salt Marsh in the easterly Part of *Medford*, to make and maintain a Dike and Fence for the better improving the same.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this Act, all the Proprietors of a tract of salt marsh, situate in the easterly part of *Medford* aforesaid, beginning at *Malden* line, and running westerly by the land of *Andrew Hall*, *Joseph Wheelwright*, and *Simeon Holt*, to the brick landing place on *Mistic River*, and otherways bounded by said river, comprising all the marsh within said bounds, be, and hereby are incorporated with all the powers and privileges incident to similar Corporations.

Proprietors of a tract of marsh incorporated.

SECT. 2. *And be it further enacted,* That the manner of calling meetings of the said Proprietors shall be by an application in writing from five or more of said Proprietors to any Justice of the Peace in the county of *Middlesex*, who is hereby empowered and directed to issue his warrant to one of said Proprietors, to meet at such time and place as he shall think most convenient, and for the purposes to be expressed in said warrant; and copies of said warrant, with the notification thereon, shall be posted up at the house of public worship in said *Medford*, and at the houses of public worship in each town where any of the said Proprietors may dwell, ten days at least before the time of holding said meetings: And the said Proprietors, or the major part of such of them as shall be assembled at any legal meeting called as aforesaid, shall have power to choose a Clerk, Committee, Assessors, Collector or Collectors of taxes, and Treasurer, who shall be sworn to the faithful discharge of the trust reposed in them, and continue to serve until others are chosen and sworn in their place, which may be annually, or as often as occasion may require; which officers, so chosen and sworn, shall have the same power to perform, execute and carry any vote or order of said Corporation into as full effect as town officers of like description have by law to do and perform: And the said Corporation shall have power to erect and make a Dike of sufficient height and width, on the north bounds of said marsh, beginning at *Malden* line, and running westward by the land of said *Andrew Hall*, and others, so far as a Dike may be found necessary; and to erect and keep in repair such a fence as the said Proprietors may at a legal meeting agree to have, where a fence may be found necessary: And at any legal meeting called for the purpose, may vote and raise monies to defray the necessary expense of such Dike and Fence, and keeping the same.

Manner of calling meetings of the Proprietors.

Officers which may be chosen, and their powers.

A dike may be made, and monies raised.

Taxes may be assessed, and the marsh of delinquent Proprietors sold.

same in repair, and to pay all other expenses which shall be found necessary for the better management thereof, and for carrying the votes and orders of said Corporation into effect: And all monies raised as aforesaid, shall be assessed upon each Proprietor in the marsh aforesaid, in proportion to the number of acres he or she may own; and if any Proprietor shall refuse or neglect to pay the sum or sums assessed upon him or her as aforesaid, after sixty days notice, so much of his or her marsh shall be sold as will be sufficient to pay the same, with costs; notice of such sale to be given by posting up advertisements thereof at the houses of public worship in the towns where such delinquent Proprietors dwell, three weeks prior to the sale, with the names of the Proprietors, the amount of the taxes assessed on their marsh respectively, and also the time and place of sale; and if no person shall appear thereupon to discharge the said taxes and all necessary intervening charges, then the Collector shall proceed to sell at auction, to the highest bidder, so much only of said marsh as shall be sufficient to discharge said taxes and the necessary intervening charges, and shall give and execute a deed or deeds to the purchaser or purchasers, his or her heirs or assigns, expressing therein the cause of such sale.

[This Act passed June 21, 1803.]

An ACT to change the Free School in the north Parish of *Andover* into an Academy by the Name of *Franklin Academy*.

WHEREAS the Trustees of the Free School in the north parish of *Andover* have petitioned this Court to change the name of said Free School, and to erect the same into an Academy:

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said Free School be, and the same hereby is erected into an Academy by the name of Franklin Academy; and that the Trustees of the said School shall be hereafter styled The Trustees of Franklin Academy in all cases whatsoever.

[This Act passed June 21, 1803.]

An ACT to set off one Mile of the southerly Part of the Town of *Hawley*, in the County of *Hampshire*, and to annex the same to the District of *Plainfield*, in the same County.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That one mile of the southerly part of the town of*

of *Hawley*, as described by the following lines and bounds, together with the inhabitants thereon, be, and hereby is set off from the said town of *Hawley*, and annexed to the district of *Plainfield*, viz. Beginning at the north-west corner of *Plainfield* aforesaid; thence running westerly on the line between *Hawley* and *Windsor*, to the south-west corner of *Hawley*; thence northerly on the line between *Hawley* and *Savoy*, one mile; thence easterly by a line drawn parallel with the north line of *Plainfield*, till it strikes the west line of *Ashfield*; thence southerly on *Ashfield* line, to the south-east corner of *Hawley*.

Boundaries of
land set off.

SECT. 2. *And be it further enacted*, That the land, with the inhabitants thereon, by this Act set off from the town of *Hawley* and annexed to the district of *Plainfield*, shall be holden to pay all such taxes as are now due, or which have been ordered to be assessed on them by the said town of *Hawley*, prior to the date of this Act, in the same manner as they would have been if this Act had not been passed.

Provision re-
specting taxes.

[This Act passed June 21, 1803.]

An ACT to authorize the raising of a Fund for the Support of a School in the Town of *Livermore*, in the County of *Cumberland*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Elijah Livermore, Esq. Maj. David Learned, Ransom Norton, Capt. Jesse Stone, Gilbert Hathaway, Thomas Coolidge, and Isaac Livermore*, be, and hereby are appointed Trustees to sell the school land in said town of *Livermore*, and to put out at interest the monies arising from such sale in manner hereafter mentioned.

Trustees.

SECT. 2. *Be it further enacted*, That the said Trustees be, and they hereby are incorporated into a Body Politic, by the name of *The Trustees of the School Funds in the Town of Livermore*, in the county of *Cumberland*, and they and their successors shall be and continue a Body Politic and Corporate by that name forever; and they shall have a common seal, subject to be altered at their pleasure; and they may sue and be sued in all actions, real, personal and mixed, and prosecute and defend the same to final judgment and execution.

Incorporating
clause.

SECT. 3. *Be it further enacted*, That the said Trustees and their successors shall and may, at any legal meeting, annually elect a President, and Clerk to record the doings and transactions of the Trustees, and also a Treasurer to receive and apply the monies of the said Corporation as hereinafter directed; and any other needful officers for the better managing their business.

President and
Clerk may be
chosen.

SECT.

Number of
Trustees limited.

SECT. 4. *Be it further enacted*, That the number of Trustees shall not at any one time be more than seven nor less than five, any five of their number to constitute a quorum for transacting business; and they shall and may, from time to time, fill up vacancies in their numbers, which may happen by death, resignation or otherwise, from the inhabitants of said town; and shall also have power to remove any of their number who may become unfit and incapable, from age, infirmity, misconduct or any other cause, to discharge his duty; and to supply a vacancy so made by a new choice from the town aforesaid: And the said Trustees shall annually hold a meeting in *March or April*, for the choice of officers, and as much oftener as may be found necessary to transact their business, which meeting, after the first, shall be called in such way and manner as the Trustees shall direct.

Meeting to be held.

First meeting.

SECT. 5. *Be it further enacted*, That *Elijah Livermore*, Esq. be, and hereby is authorized to fix the time and place for holding the first meeting of the Trustees, and to notify each Trustee thereof accordingly.

Trustees to sell the school lands.

SECT. 6. *Be it further enacted*, That the said Trustees be, and they hereby are authorized to sell and convey in fee simple all the school lands belonging to said town, and to make and execute a good and sufficient deed or deeds thereof, which deed or deeds, subscribed by their Treasurer, by direction of said Trustees, with their seal thereto affixed, shall be good and effectual in law to pass and convey the fee simple from said town to the purchaser, to all intents and purposes whatsoever.

Monies to be put at interest.

SECT. 7. *Be it further enacted*, That the monies arising from the sale of said lands shall be put at interest as soon as may be, and secured by mortgage of real estate to the full value of the estate sold, or by two or more sufficient securities with the principal, unless the Trustees shall think it best to invest the same in public funded securities or bank stock of this Commonwealth, which they may do at their election.

The interest to be put at interest.

SECT. 8. *Be it further enacted*, That the interest arising from time to time on such monies, shall be annually, or oftener if practicable, put out at interest and secured in manner aforesaid, unless invested in the funds or bank stock as aforesaid; and also the interest accruing from the interest, until a fund shall be accumulated which shall yield annually the sum of *one hundred and fifty dollars*.

Appropriation of interest after it amounts to a certain sum.

SECT. 9. *Be it further enacted*, That as soon as an interest to that amount shall accrue, the Trustees shall annually apply the same towards the support of a school in said town, and it shall never be in the power of said town to alienate or anywise diminish the funds aforesaid.

SECT.

SECT. 10. *Be it further enacted*, That the Clerk of said Corporation shall be sworn previous to his entering on the duties of his office; and the Treasurer of the Trustees shall give bonds faithfully to perform his duty, and to be at all times responsible for the faithful application and appropriation of the monies which may come into his hands, conformable to the true intent and meaning of this Act, and for all negligence or misconduct of any kind in his office.

Treasurer and Trustees to give bonds.

SECT. 11. *Be it further enacted*, That the Trustees or their officers, for the services they may perform, shall be entitled to no compensation out of any monies arising from the funds aforesaid, but if entitled to any, shall have and receive the same from said town, as may be mutually agreed on.

Officers not to be compensated from the funds.

SECT. 12. *Be it further enacted*, That the said Trustees and their successors shall exhibit to the town, at their annual meeting in *March* or *April*, a regular and fair statement of their doings.

Annual statement to be exhibited.

SECT. 13. *Be it further enacted*, That the said Trustees and each of them shall be responsible to the town for their personal negligence or misconduct, whether they be officers or not, and liable to a suit for any loss or damage arising thereby, the debt or damage recovered from such suit to be for the use aforesaid.

Trustees responsible for negligence.

[This Act passed June 21, 1803.]

An ACT in addition to an Act, passed the Fifth Day of *March*, in the Year of our Lord One thousand eight hundred and three, establishing *The Chester Turnpike Corporation*, and for repealing certain Clauses therein contained.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the clause in the first section of the Act passed on the fifth day of *March*, in the year of our Lord one thousand eight hundred and three, entitled, "An Act establishing *The Chester Turnpike Corporation*," requiring, that the path to be travelled on the said turnpike road shall not be less than twenty-two feet in width in any place, where it is practicable to make the same, be, and the same is hereby repealed.

Part of former Act repealed.

SECT. 2. *And be it further enacted*, That the path of the aforesaid turnpike road to be travelled on, shall not be less than eighteen feet wide in any place or part thereof.

Width of road.

SECT. 3. *And be it further enacted*, That all the proceedings of the said *Chester Turnpike Corporation*, heretofore had at any meeting of the same, be, and hereby are ratified and confirmed

Certain proceedings confirmed.

ed in the same manner as if the first meeting of the said Corporation had been held on the second Monday of *April* last, in conformity to the sixth section of the said Act to which this is an addition; any thing in the said Act to the contrary notwithstanding.

[This Act passed June 21, 1803.]

An ACT to incorporate the Plantation called *Raymond*, in the County of *Cumberland*, into a Town by the Name of *Raymond*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the plantation of *Raymond*, in the county of *Cumberland*, bounded as follows, viz. Beginning at the north-westerly corner bounds of *Windham*, and extending due north-east seven miles and one half; thence on a north-west course of seven and an half miles; thence from the first-mentioned bounds extending up the north-east side of *Sabago Pond*, as the pond runs, until a north-east line shall terminate at the head of seven and half miles on the north-east side line; with the inhabitants thereon, be, and they hereby are incorporated into a town by the name of *Raymond*; and the said town is hereby vested with all the powers, privileges and immunities which other towns in this Commonwealth do or may by law enjoy.

Boundaries of
the town of
Raymond.

J. K. Smith
to call first
meeting.

SECT. 2. *And be it further enacted*, That *John K. Smith*, Esq. be, and he hereby is empowered to issue his warrant, directed to some suitable inhabitant within said town, requiring him to warn a meeting of the inhabitants thereof, to meet at such time and place as shall be expressed in said warrant, for the purpose of choosing such town officers as other towns are empowered to choose in the months of *March* and *April* annually.

[This Act passed June 21, 1803.]

An ACT to annex an Island, situate in *Charles River*, between the Towns of *Needham*, in the County of *Norfolk*, and *Newton*, in the County of *Middlesex*, to the said Town of *Newton*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the island situate in *Charles River*, between the towns of *Needham*, in the county of *Norfolk*, and *Newton*, in the county of *Middlesex*, about one quarter of a mile below the *Upper Falls*,
fo

so called, in said river, being the same island upon which *The Newton Iron-Work Company* have erected their manufactory, be, and hereby is annexed to said town of *Newton*, and incorporated therewith, and forever hereafter shall be considered as a part of the same.

[This Act passed June 21, 1803.]

An ACT to incorporate the easterly Part of a Tract of Land in the County of *Cumberland*, which was granted to *Jonathan Holman* and others, on the north Side of *Androscoggin River*, with the Inhabitants thereon, into a Town by the Name of *Dixfield*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the hereafter described lands, within the following bounds, viz. Beginning at the westerly line of *Jay*, on the north bank of *Androscoggin River*; thence running north forty degrees, east by said *Jay* six miles, to a beach tree; thence running north sixty-eight degrees, west partly by *Tyngtown*, and partly by land sold by this Commonwealth to Messrs. *Phillips, Abbot*, and others, eight miles, or until it comes to the centre of *Webb's River*; thence running southerly, through the centre of said *Webb's River*, about six miles, and until it comes to *Androscoggin River*; thence running easterly, by said *Androscoggin River*, about six miles, or until it comes to the west line of *Jay*, being the bounds first mentioned; with the inhabitants thereon, be, and the same hereby are incorporated into a town by the name of *Dixfield*.

Boundaries of town of *Dixfield*.

SECT. 2. *And be it further enacted*, That the ministerial and school lands which were granted by this Commonwealth, and lie in the aforesaid grant of land, shall be divided between said town of *Dixfield* and the remaining part of said tract, lying westerly of said town, in equal proportions, according to the quantity of land contained in said town and in the remaining tract, lying westerly thereof.

Certain ministerial & school lands to be divided.

SECT. 3. *And be it further enacted*, That any Justice of the Peace in the county of *Cumberland* be, and he hereby is empowered and required to issue his warrant, directed to some principal inhabitant of said town of *Dixfield*, requiring him to notify and warn the inhabitants of said town, qualified to vote in town affairs, to assemble at such time and place in said town as shall be expressed in said warrant, to choose all such officers

How the first meeting is to be called.

25

as other towns within this Commonwealth are by law authorized and required to choose in the month of *March* or *April* annually.

[This Act passed June 21, 1803.]

An ACT to alter the Line between the Towns of
Lynn and *Chelsea*.

WHEREAS *Abijah Boardman* hath petitioned this Court, that the line dividing the towns of *Lynn*, in the county of *Essex*, and *Chelsea*, in the county of *Suffolk*, may be so far altered as to include his dwelling-house and the land under the same wholly in the said town of *Chelsea* :

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the limits of the said towns of Lynn and Chelsea, and of the said counties of Essex and Suffolk, be, and they hereby are so far changed and altered as to include the said land and building thereon in the said town of Chelsea, in the said county of Suffolk; and the same land and building shall hereafter be subject to all duties and taxes, and possess all the privileges and rights which the other land and houses in said town of Chelsea are subject to and possess.

[This Act passed June 21, 1803.]

Feb. 27, 1795.

An ACT in addition to the Act, entitled, “An Act for incorporating *Luther Eames*, and others, into a Society for the Purpose of bringing fresh Water into the Town of *Boston* by subterraneous Pipes.”

Preamble.

WHEREAS in and by an Act, entitled, “An Act for incorporating *Luther Eames*, and others, into a Society for the purpose of bringing fresh water into the town of *Boston* by subterraneous pipes,” no authority is given to the said Corporation to enter upon the corporate or private estate of any person or persons, without a free and voluntary contract with the Proprietor of such estate; by reason of which restriction of power the said Corporation have been and still are exposed to many inconveniences, and the important purposes of the Association thereby greatly retarded and embarrassed :

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said Corporation be, and they are hereby authorized and empowered, for the purpose of extending and accom-*
modating

modating their works, in order to the bringing of fresh water into the town of *Boston*, according to the original design of said Corporation, to enter upon and improve, for the laying down of subterraneous pipes, the corporate or private estate of any person, town or corporation whatsoever, within the following boundaries, viz. At and from the road near a bridge which is a little to the eastward of the Punch-Bowl Tavern in *Brockline*, and thence through the marshes, or in such direction as may be deemed eligible and convenient by said Corporation, unto the road on *Boston Neck*, near to Mr. *Blaney's* house, now so called: And the said Corporation are hereby empowered to take, hold, purchase or improve, for the purpose of laying down subterraneous pipes as aforesaid, any land, not exceeding five feet in width, through the whole distance before mentioned; and shall, at all times, have free ingress and egress into and from the same, in order to lay down, inspect, renew and repair the said pipes; on condition, however, that the said Corporation shall be holden to pay all damages which shall arise to any person or body politic by the taking, holding and improving of the land aforesaid, for the purposes aforesaid; and where the land aforesaid, or the improvement thereof as aforesaid, cannot be obtained by voluntary agreement, then the said damages to be estimated and settled by a Committee appointed by the Court of General Sessions of the Peace for the county wherein said lands or estate may be situated; saving to either party the right of trial by Jury, according to the law which provides for the recovery of damages accruing by laying out public highways: *Provided nevertheless*, That the said Corporation, after having opened any of the ground aforesaid, for the purposes aforesaid, shall be holden to put the same again in repair, under the penalty of being prosecuted for a nuisance: *And provided also*, That nothing in this Act shall be construed to give the said Corporation a right to pull down, dig under, or encroach upon any building already erected, nor to break up or encroach upon any cellar already dug: *And provided also*, That all complaints, claims and demands for damages as aforesaid, to be estimated as aforesaid, shall be entered, made or preferred by the person or persons entitled to demand the same, within twelve months from the time when the ground shall have been taken up, opened or first improved, in manner as herein before mentioned.

Authorized to enter upon and improve any estate within certain boundaries.

Damages to be paid.

Proviso.

Claims for damages to be exhibited within 12 months.

[This Act passed June 22, 1803.]

An

An ACT for incorporating *Gibbins Sharp*, and others, into a Society, by the Name of *The Members of the New-North Religious Society in the Town of Boston*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Gibbins Sharp, John Simpkins, Joseph Kettle, and such others as were Proprietors of pews in the old meeting-house in said Boston, called the New-North Meeting-House, lately taken down, together with such others as may become Proprietors of pews in the New Meeting-House, now erecting on the same place, be, and they hereby are incorporated and declared to be a Body Corporate and Politic, by the name of The Members of the New-North Religious Society in the Town of Boston; and by that name shall be capable and liable to purchase, to take, and to hold any estate, real, personal and mixed, for the purpose of supporting public worship, and a Teacher or Teachers of piety, religion and morality, and to sue and be sued in any actions, real, personal or mixed, and otherwise to do and suffer as other Bodies Politic generally may: Provided, That the whole estate, real and personal, of the said Corporation, shall not exceed, in its annual income, the sum of three thousand dollars exclusive of their house of public worship.*

Society incor-
porated. and
allowed to
hold estate,
with a restric-
tion,

Authorized to
make contracts
with a teacher
of religion, &
grants to wid-
ow or orphans.

Proviso.

SECT. 2. *Be it further enacted, That the said Society shall have power, and they are hereby authorized to make contracts with any Teacher or Teachers of piety, religion and morality, for his support and maintenance during his continuance as Teacher, to make any permanent or annual grant to any such Teacher or Teachers, and to make any grant to the widow or orphans of any such their deceased Teacher or Teachers, at any time when they see cause so to do; and shall have power to lay and assess such taxes, from time to time, on the pews in their house of public worship, as they shall think proper for the foregoing purposes; and also for the building, finishing, and from time to time repairing their house of public worship: Provided, That all, or any and every such act or thing shall be done at their annual meeting, which shall be on the first Wednesday of May in every year, or at a meeting specially called for the purpose, of which notice shall be given on the two Sabbaths immediately preceding the meeting.*

Treasurer,
Clerk, Assess-
ors, &c. to be
chosen.

SECT. 3. *And be it further enacted, That the said Society, at their annual meeting, shall choose a Treasurer, Clerk, Assessors, Collectors, and all such officers as they may think necessary for conducting and managing the affairs of the Society,*

ety, either by ballot or otherwise, as they may think proper, and in case of a vacancy in any office, by death, resignation or otherwise, they shall have power to fill said vacancy at any meeting called for the purpose according to this Act: *Provided*, and it is hereby declared, That no person, merely from attending on public worship at said house, and hiring a seat or pew therein, shall be considered as a member of said Society, so as to be entitled to vote at any meetings of said Society.

SECT. 4. *And be it further enacted*, That the building or house of public worship which said Society are now erecting, and the land under, adjoining and belonging to the same, shall be, and hereby is declared to be vested in fee in the said Society by the said name: And the pews in the said house shall be personal estate, and shall be held liable to the payment of all taxes assessed on the same by the said Society, and shall accordingly be seized, taken and sold for the payment of the same, and all charges incurred thereby, in such manner and on such contingencies and conditions as the said Society shall agree upon, which shall be summarily contained in the deed or conveyance of the pews, and the taxes shall be considered a lien upon said pews.

SECT. 5. *And be it further enacted*, That the said Society shall have power at any time to sell or exchange any real estate, when they shall, at any meeting called for the purpose, agree thereto, or may invest any personal gift or bequest in real estate, *provided* the income of the same be appropriated according to the will of the donor.

SECT. 6. *And be it further enacted*, That the first meeting of the said Society shall be on the second Wednesday of *July* next, and shall be notified after divine service on the two Sabbaths immediately preceding the meeting; and at the said meeting they shall choose a Committee of twelve persons, (which Committee may be the Assessors,) the signatures of whom, or the majority of whom, to any acts or deeds of the Society, shall be valid and binding on the said Society, if previously agreed to at any legal meeting of the Society.

[This Act passed *June 22, 1803.*]

An ACT to establish a Corporation by the Name of *The Boston and Haverhill Turnpike Corporation.*

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Bailey Bartlett, Nathaniel Marsh, Francis Carr, Nathaniel Thurston, James Duncan, David How, Moody Spafford*, and all such persons as are or may hereafter be associated

Provided

House of worship vested in fee: & pews considered personal estate.

May sell or exchange real estate.

Time of holding first meeting.

Persons incorporated.

Course of the road.

ated with them, and interested in said fund, and their successors, shall be a Corporation by the name of *The Boston and Haverhill Turnpike Corporation*; and shall by that name sue and be sued; and shall have a common seal, and enjoy all the powers and privileges which are by law incident to Corporations, for laying out and making turnpike roads, and keeping the same in repair; that is to say, Beginning at *Haverhill Bridge*, so called, and from thence to be continued in a course south about three degrees west, as nearly as possible, through the towns of *Bradford, Boxford, Andover, Reading and Lynnfield*, to *Malden Bridge*.

How the first meeting of the Proprietors is to be called; & the business.

SECT. 2. *And be it further enacted*, That the abovementioned persons, or any three of them, may, by an advertisement in the newspaper printed in *Haverhill*, and in the *Palladium* printed in *Boston*, call a meeting of the said Proprietors, to be holden at any suitable time and place, after fifteen days from the publication of said advertisement; and the said Proprietors, by vote of the majority of those present or represented at the said meeting, (in all cases counting and allowing one vote to each single share) shall choose a Clerk, who shall be sworn to the faithful discharge of his duty, and who shall agree on a method for calling future meetings; and at the same or any subsequent meeting may make and establish any rules and regulations that shall be necessary and convenient for regulating the said Corporation, for effecting, completing and executing the purposes aforesaid, or for collecting the toll hereafter granted; and the same rules and regulations may cause to be kept and executed, or for the breach thereof may order and enjoin fines and penalties, not exceeding *thirteen dollars* for any breach thereof, *provided* such rules and regulations are not repugnant to the Constitution and laws of this Commonwealth: And the said Proprietors may also choose and appoint any other officer or officers that they may deem necessary; and all representations at any meeting shall be proved in writing, signed by the person making the same, which shall be filed with and recorded by the Clerk; and this Act, and all rules, regulations and votes of the said Corporation, shall be fairly and truly recorded by the said Clerk, in a book or books for that purpose to be provided and kept: *Provided also*, That no one Proprietor in this Corporation shall have more than ten votes.

Corporation allowed to take and hold land.

SECT. 3. *And be it further enacted*, That said Corporation may purchase and hold any land over which they may make said road; and the Justices of the Court of General Sessions of the Peace in the respective counties through which it passes, are hereby authorized, on application from the said Corporation, to lay out such road, or any part thereof within their respective jurisdictions, as with the consent of the said Corporation they may think proper: And the said Corporation shall be holden

to pay all damages which may happen to any person by taking his land for such road, where it cannot be obtained by voluntary agreement, to be estimated by a Committee appointed by the Court of General Sessions of the Peace in the county in which such damage shall arise, saving to either party a right of trial by Jury, according to the law which makes provision for the recovery of damages happening by laying out public highways. — liable for damages.

SECT. 4. *And be it further enacted,* That the same turnpike road shall be laid out and made by the said Corporation of sufficient width in every part thereof for the accommodation of the public, that is to say, four rods wide through the whole of said road, and the made way or path for travelling shall be of sufficient width, and not less than twenty-four feet wide in any part thereof; and when the said road shall be sufficiently made, from said *Haverhill* to *Malden Bridge*, and shall be so allowed by any three men to be appointed by His Excellency the Governor of this Commonwealth, and whom His Excellency is hereby authorized to appoint for that purpose, then the said Corporation shall be authorized to erect three turnpike gates, at such convenient distances within the said road, as a majority of the Proprietors by them or their officers shall direct: *Provided*, That neither of the gates aforesaid shall be placed on any part of the roads heretofore travelled; and shall be entitled to receive at each of the said gates, from each traveller or passenger, the following rate of toll, viz. For every coach, phaeton, chariot, or other four-wheel carriage, for the conveyance of persons, drawn by two horses, *twenty-five cents*, and if drawn by more than two horses, an additional sum of *four cents* for each horse; for every cart, waggon, sleigh or sled, or other carriage of burden, drawn by two oxen or horses, *twelve and an half cents*, and if by more than two, an additional sum of *three cents* for every such ox or horse; for every curricule, *sixteen cents*; for every sleigh, for the conveyance of passengers, drawn by two horses, *twelve and an half cents*, and if drawn by more than two, an additional sum of *three cents* for each horse; for every sled or sleigh, drawn by one horse, *ten cents*; for every chaise, chair or other carriage, drawn by one horse, *twelve and an half cents*; for every man and horse, *five cents*; for all oxen, horses and neat cattle, led or driven, besides those in teams and carriages, *one cent* each; for all sheep and swine, *three cents* by the dozen, and in the same proportion for a greater or less number: *Provided*, That the General Court may hereafter otherwise regulate the tolls to be paid by carts and waggons, according to the width of the felies of the wheels on which they shall run, and the burdens which they shall carry. Width of road. Three gates allowed. Toll established.

SECT. 5. *And be it further enacted,* That if the said Corporation, or their toll-gatherer, or others by them employed, shall unreasonably

Penalty for de-
laying travel-
lers, & mode of
recovery.

unreasonably delay or hinder any passenger or traveller at either of said gates, or shall demand or receive more toll than is by this Act established, the Corporation shall forfeit and pay a sum not exceeding *ten dollars* nor less than *two dollars*, to be recovered before any Justice of the Peace of the county where such offence may be committed, by any person injured, delayed or defrauded, in a special action of the case; the writ in which shall be served on said Corporation, by leaving a copy of the same with the Treasurer, or some individual member of said Corporation living in the county where the said action may be brought, or by reading the same to said Treasurer, or individual member, at least seven days before the day of trial; and the Treasurer of said Corporation, or individual member, shall be allowed to defend the same suit in behalf of the said Corporation: And the said Corporation shall be liable to pay all damages that may happen to any person from whom the toll is demandable, for any damage which shall arise from the defect of bridges or want of repairing said ways; and shall also be liable to presentment by the Grand Jury, for not keeping the same in good repair.

— for injuring
gates or road.

— for attempt-
ing to evade
the toll.
Provido.

SECT. 6. *And be it further enacted*, That if any person shall cut, break down or otherwise injure or destroy either of said gates, or shall dig up or carry away any earth from the said road, or in any manner damage the same, or shall forcibly pass, or attempt to pass said gates by force, without first having paid the legal toll at such gate, such person shall forfeit and pay a fine not exceeding *fifty dollars* nor less than *ten dollars*, to be recovered by the Treasurer of said Corporation to their use, in an action of trespass on the case: And if any person with a team, cattle or horses, turn out of said road to pass any of the turnpike gates aforesaid, and again enter on said road, with an intent to avoid any toll established as aforesaid, such person shall forfeit and pay the sum of *two dollars*, to be recovered by the Treasurer aforesaid, to the use aforesaid, in an action of debt: *Provided*, That nothing in this Act shall extend to entitle the said Corporation to demand or receive toll of any person who shall be passing with his horse or carriage to or from public worship, or with his horse, team or cattle, to or from his common labour, or to or from any mill, or on the common or ordinary business of family concerns within the said town, or from any person or persons passing on military duty.

Shares deemed
personal estate,
and mode of
attachment
prescribed.

SECT. 7. *And be it further enacted*, That the shares in said road shall be deemed personal estate to all intents and purposes, and shall be transferable by deed, duly acknowledged before any Justice of the Peace, and recorded by the Clerk of the said Corporation, in a book for that purpose to be provided and kept: And when any such share shall be attached on *mesne process*,

process, or taken in execution, an attested copy of such writ of attachment or execution shall, at the time of the attachment or taking in execution, be left with the Clerk of said Corporation, otherwise the attachment or taking in execution shall be void; and such shares may be taken and sold by execution in the same manner as other personal estate, and the officer or judgment creditor, leaving a copy of such execution, with the return thereon, with such Clerk, within fourteen days after such sale, and paying for the recording thereof, shall be deemed a sufficient transfer of the same.

SECT. 8. *And be it further enacted*, That the said Corporation shall, within six months after the said turnpike road shall be completed, lodge in the Secretary's office an account of all the expenses of completing the said road; and the said Corporation shall annually exhibit to the Governor and Council a true account of the income or dividend arising from said toll, with the necessary annual disbursements on said road; and the books of the said Corporation shall at all times be subject to the inspection of a Committee to be appointed by the General Court, or to the inspection of the Governor and Council when called for.

Account of expenses and income to be exhibited.

SECT. 9. *And be it further enacted*, That whenever any Proprietor shall neglect or refuse to pay any tax or assessment duly voted and agreed upon by the said Corporation, to their Treasurer, within thirty days after the time set for the payment thereof, the Treasurer of the said Corporation is hereby authorized to sell at public vendue, the share or shares of such delinquent Proprietor, one or more, as shall be sufficient to defray said taxes and necessary incidental charges, after duly notifying in one or more public newspapers printed in the county of *Essex*, and in the newspaper printed in *Boston* by the printers to the General Court, the sum due on such shares, and time and place of sale, giving at least thirty days previous notice thereof; and such sale shall be a sufficient transfer of such share or shares so sold to the person purchasing the same; and on producing a certificate from the Treasurer to the Clerk of the said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the books of the said Corporation; and such persons shall be considered to all intents the Proprietor thereof; and the overplus, if any there be, shall be paid on demand by the Treasurer, to the persons whose shares were then sold.

Shares of delinquents may be sold.

SECT. 10. *And be it further enacted*, That the General Court may dissolve the said Corporation, whenever it shall appear to their satisfaction that the said income arising from said toll shall have fully compensated the said Corporation for all monies they may have expended in purchasing, repairing and taking care of

The Corporation may be dissolved by the General Court.

said

faid road, together with an interest thereon at the rate of *twelve dollars* on the *hundred* for a year, from the time of the same; and thereupon the interest in the said turnpike road shall vest in the Commonwealth: *Provided*, That if the said Corporation shall neglect to complete said turnpike road, for the space of five years from the passing of this Act, the same shall be void and of no effect.

SECT. 11. *And be it further enacted*, That the said Corporation be, and it is hereby empowered to commute the rate of toll with any person, or with the inhabitants of any town through which their turnpike road is made, by taking of him or them any certain sum annually, or for a less time, to be mutually agreed on in lieu of the toll established in and by this Act.

Rate of toll
may be com-
muted.

SECT. 12. *And be it further enacted*, That the said Corporation is hereby allowed to grant monies to such persons as rendered services to the Proprietors in exploring the route of the turnpike road, or otherwise, previous to this Act of incorporation: And the said Corporation is hereby authorized to purchase and hold other real estate, adjacent to and for the accommodation of the said road, to the amount of *twenty thousand dollars*.

Corporation al-
lowed to grant
monies to cer-
tain persons.

[This Act passed June 22, 1803.]

An ACT appointing Commissioners on the Part of this Commonwealth, to complete the running and demarcation of the Boundary Line between this Commonwealth and the State of *Connecticut*.

Preamble.

WHEREAS the late Commissioners of this Commonwealth and the State of *Connecticut*, appointed to ascertain the boundary line between this Commonwealth and said State, entered upon the business of their appointment, and made progress therein, but did not complete the same by reason of disagreement respecting the line between the town of *Southwick* and the towns of *Suffield* and *Granby*: And whereas a compromise has been heretofore proposed by this Commonwealth of the differences respecting the line between said town of *Southwick*, in this Commonwealth, and the towns of *Suffield* and *Granby* in the said State of *Connecticut*, viz. "That the line should begin from a station eight rods south of the south-west corner of *West-Spring field*; and thence run west to the large ponds; and thence southerly, by those ponds, to the ancient south line of *Westfield*; and from thence on said south line to the ancient south-west corner of *Westfield*; and from thence northerly, in the ancient west line of *Westfield*, to the station in said west line made by Commission-

ers

ers in the year one thousand seven hundred and fourteen ; and from thence to the south-west corner of *Granville* :” Which compromise is acceded to by said State of *Connecticut*, and Commissioners are appointed on the part of said State for the purpose of completing the running and demarcation of the boundary line between the towns of *Suffield*, *Granby*, *Hartland*, *Colebrook*, *Norfolk*, *Canaan*, and *Salisbury*, in said State, and the towns adjoining them in this Commonwealth :

SECT. I. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Hon. *John Hooker* and *Timothy Bigelow*, Esqrs. and *George Bliss*, Esq. be, and they hereby are appointed Commissioners on the part of this Commonwealth, for the purpose of completing the running and demarcation of the boundary line between the towns of *West-Springfield*, *Scutwick*, *Granville*, *Southfield*, *New-Marlborough*, *Shffield*, and *Mount-Washington*, and any tract or tracts of unincorporated land, in this Commonwealth, and the aforesaid towns adjoining them in the State of *Connecticut* : And the said Commissioners, or any two of them, are hereby authorized and empowered to meet the Commissioners appointed and vested with similar powers by the Legislature of said State of *Connecticut*, and, in conjunction with them, to ascertain, run and mark such boundary line, through the extent aforesaid ; and, at the joint and equal expense of this Commonwealth and said State of *Connecticut*, to erect durable monuments at such places in said line as they may judge proper and effectual to prevent future mistakes and disputes respecting the same ; which line, when so ascertained, shall forever afterwards be considered and held to be the just and true boundary line of jurisdiction between this Commonwealth and said State of *Connecticut* ; but no variation which shall be established by said Commissioners from the line heretofore existing, shall affect the private rights and titles derived from said Commonwealth and State respectively : And the said Commissioners on the part of this Commonwealth, or any two of them, are hereby authorized and empowered to agree upon such principles respecting the running of the said line as, from the best evidence they can obtain, may appear to them just and reasonable ; and also to employ such surveyor and chain-bearers as they may think proper, to assist in duly ascertaining the line aforesaid : And the said Commissioners, prior to their entering on the business herein assigned to them, shall receive a commission from His Excellency the Governor, under the seal of this Commonwealth, conformably to the powers with which they are vested by this Act.

Commissioners
appointed, and
their duties
prescribed.

Governor authorized to draw money to defray the expenses.

SECT. 2. *Be it further enacted by the authority aforesaid, That there be paid out of the Treasury of this Commonwealth to said Commissioners, such sum of money as His Excellency the Governor, with advice of Council, may think proper, not exceeding one thousand dollars, to enable them to defray the expenses of running the lines and erecting the monuments aforesaid; the said Commissioners to be accountable for the faithful application thereof.*

[This Act passed June 22, 1803.]

Additional Act, An ACT to establish a Corporation by the Name of
June 23, 1804. *The Becket Turnpike Corporation.*

Persons incorporated. And course of the road directed.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Azariah Eggleston, Jos. Goodwin, Moses Bixbe, Nathan Dillingham, Barnabas Adams, James Birchard, jun. Henry Veits, Abel Deavy, Amos Kingsley, Ebenezer Walker, together with their associates, successors and assigns, be, and they are hereby constituted a Corporation by the name of The Becket Turnpike Corporation, for the purpose of laying out, and making, and keeping in repair a turnpike road, from the turnpike road leading from Lenox court-house to Hartford, near Green-Water Pond, in Becket, in the county of Berkshire, in the most direct and convenient route, to the turnpike road leading from Pittsfield to Westfield, near the dwelling-house of Amos Kingsley, in said Becket; which road shall not be less than four rods wide, and the path of travel not less than eighteen feet wide in any one place: And when said turnpike road shall be approved and so certified by the Court of Common Pleas within and for the said county of Berkshire, or by a Committee appointed by said Court for that purpose, to be sufficiently made, the said Corporation shall be authorized to erect one turnpike gate on the said road, at such place as shall be directed by said Justices or their Committee; and shall be entitled to receive from passengers the following rates of toll, viz. For each coach, chariot, phaeton, or other four-wheel carriage, drawn by two horses, twenty-five cents, and if drawn by more than two horses, an additional sum of four cents for each horse; for every cart or waggon, drawn by two oxen or horses, ten cents, and if drawn by more than two oxen or horses, the additional sum of three cents for each ox or horse; for every curricle, twenty cents; for every chaise, chair or other carriage, drawn by one horse, twelve cents and five mills; for every man and horse, six cents; for every sled or sleigh, drawn by two oxen or horses, ten cents, if drawn by more than two oxen or horses, an additional sum of*

Toll established.

two

two cents for each ox or horse; for every sled or sleigh, drawn by one horse, *six cents*; for all horses, mules, oxen or neat cattle, led or driven, besides those in teams and carriages, *one cent* each; for all sheep or swine, at the rate of *three cents* per dozen: *Provided however*, That the said Corporation may, if they see fit, commute the rate of toll with any person, or with the inhabitants of any town, by taking of him or them a certain sum annually, to be mutually agreed upon in lieu of the toll aforesaid: *And provided also*, That no toll shall be taken of any person passing said road, when on military duty, or to or from public worship, to or from any mill, or about his common and ordinary business within the town wherein he resides: And the said Corporation shall, at the place where the said toll shall be collected, erect and keep constantly exposed to open view, a sign or board, with the rates of toll of all the tollable articles fairly and legibly written in large or capital characters.

Rate of toll
may be com-
muted.

SECT. 2. *And be it further enacted*, That the said Corporation may purchase and hold lands over which they may make the said road; and the Justices of the Court of General Sessions of the Peace for the county of *Berkshire* are hereby authorized, on application of said Corporation, to lay out said road, or any part thereof, as with the consent of the said Corporation they may think proper: And the said Corporation shall be liable to pay all damages which may arise to any person by taking his land for such road, when the same cannot be obtained by voluntary agreement, to be estimated by a Committee of the Court of General Sessions of the Peace in the county of *Berkshire*, saving to either party the right of trial by Jury, according to the law which makes provision for the recovery of damages arising from the laying out of highways.

Corporation al-
lowed to hold
lands.

SECT. 3. *And be it further enacted*, That if said Corporation, their toll-gatherer, or others in their employ, shall unreasonably delay or hinder any passenger or traveller at said gate, or shall demand or receive more toll than is by this Act established, the Corporation shall forfeit and pay a sum not exceeding *ten dollars* nor less than *one dollar*, to be recovered before any Justice of the Peace of the county where the offence shall be committed, by any person injured, delayed or defrauded, in a special action on the case; the writ in which shall be served on the said Corporation, by leaving a copy of the same with their Treasurer, or with some individual member of the said Corporation living within the county wherein the action may be brought, or by reading the contents thereof to the said Treasurer, or individual member, who shall be allowed to defend the same suit in behalf of the said Corporation: And the said Corporation shall be liable to pay all damages which shall happen to any person from whom toll is by this Act demandable, for any

Penalty for de-
laying passen-
gers or de-
manding ille-
gal toll.

Corporation liable for damages by the road being out of repair. any injury which shall arise from defect of bridges or want of repairs within the same way ; and shall also be liable to a fine, on presentment of the Grand Jury, for not keeping the same, or the bridges thereon, in good repair : And if the said road, or any part thereof, shall be suffered to be out of repair, the Justices of the Court of Common Pleas, or a major part thereof, or a Committee to be by them appointed for that purpose, may, after notice in writing, served on the Clerk or Treasurer, or any individual member of the said Corporation, seven days before the time of hearing, order the said gate to be set open ; and immediately upon the service of such order, under the hands of said Justices or Committee, on the Clerk of the said Corporation, the said gate shall be opened and kept open, and no toll demanded or taken thereat until the Justices of the said Court, or their said Committee, shall grant an order for putting up the said gate and the receiving the toll thereat.

SECT. 4. *And be it further enacted*, That if any person shall cut, break down or otherwise injure or destroy the said turnpike gate, or shall forcibly pass, or attempt to pass the same by force, without having first paid the legal toll at such gate, such person shall forfeit and pay a fine not exceeding *fifty dollars* nor less than *two dollars*, to be recovered by the Treasurer of the said Corporation to their use, in an action of trespass : And if any person shall, with his cattle, team, carriage or horse, turn out of said road to pass the said turnpike gate, on ground adjacent thereto, and again enter on the said road, with intent to avoid the toll due by virtue of this Act, such person shall forfeit *one dollar*, to be recovered by the Treasurer of the said Corporation, to the use thereof, in an action of trespass on the case.

SECT. 5. *And be it further enacted*, That the shares in the same turnpike road shall be taken, deemed and considered to be personal estate, to all intents and purposes, and shall and may be transferable ; and the mode of transferring said shares shall be by deed, acknowledged before any Justice of the Peace, and recorded by the Clerk of the said Corporation, in a book to be kept for that purpose : And when any of said shares shall be attached on *mesne process*, or taken in execution, an attested copy of such writ of attachment or execution shall be left with the Clerk of the said Corporation, otherwise such attachment or taking in execution shall be void ; and such shares may be sold on execution in the same manner as is or may by law be provided for the sale of personal property by execution ; and the officer making the sale, or the judgment creditor, shall leave a copy of the execution, and the officer's return on the same, with the Clerk of said Corporation, within ten days after such sale, and paying for the recording of the same.

SECT.

SECT. 6. *And be it further enacted*, That a meeting of said Corporation shall be held at the house of *Nathan Dillingham*, innholder in the town of *Lee*, in the county of *Berkshire*, on the first Monday of *August* next, for the purpose of choosing a Clerk, and such other officers as may then and there be agreed upon by the said Corporation for regulating the concerns thereof; and that the said Corporation may then and there agree upon such method of calling future meetings as they may think proper.

SECT. 7. *And be it further enacted*, That the said Corporation shall, within six months after the said road is completed, lodge in the Secretary's office an account of the expenses thereof; and shall annually exhibit to the Governor and Council a true account of the income or dividend arising from the said toll, with their necessary annual disbursements on the said road; and the books of the said Corporation shall at all times be subject to the inspection of a Committee to be appointed by the General Court, or to the inspection of the Governor and Council when called for.

SECT. 8. *And be it further enacted*, That whenever any Proprietor shall refuse or neglect to pay any tax or assessment, duly voted and agreed upon by the said Corporation, to their Treasurer, within sixty days after the time set for the payment thereof, the Treasurer of the said Corporation is hereby authorized to sell at public vendue the share or shares of such delinquent Proprietor, one or more, as shall be sufficient to defray said taxes and necessary incidental charges, after duly notifying in some newspaper printed in the county of *Berkshire*, the sum due on any such shares, and the time and place of sale, at least twenty days previous to the time of sale; and such sale shall be a sufficient transfer of the share or shares so sold, to the person purchasing; and on producing a certificate of such sale, from the Treasurer to the Clerk of said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the book of the said Corporation, and such person shall be considered to all intents and purposes the Proprietor thereof; and the overplus, if any there be, shall be paid on demand, by the Treasurer, to the person whose shares were thus sold.

SECT. 9. *And be it further enacted*, That the General Court may dissolve the said Corporation, whenever it shall appear to their satisfaction, that the income arising from the said toll shall have fully compensated the said Corporation for all monies they may have expended in purchasing, repairing and taking care of the said roads, together with an interest thereon at the rate of *twelve per centum* by the year; and thereupon the property of the said road shall be vested in this Commonwealth, and be at their

their disposal: *Provided*, That if the said Corporation shall neglect to complete the said turnpike road for the space of three years from the passing of this Act, the same shall become void and of no effect.

[This Act passed June 22, 1803.]

An ACT to incorporate *John Taber*, and others, into a Company, by the Name of *The Cumberland Marine and Fire Insurance Company*.

Names of persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That John Taber, John Mussey, Stephen McLellan, Thomas Motley, Thomas Webster, James D. Hopkins, Nathaniel F. Fosdick, Enoch Isely, Isaac Gage, Ebenezer Mayo, and all such persons as have already, or hereafter shall become Stockholders in said Company, being citizens of the United States, be, and they hereby are incorporated, by the name of The Cumberland Marine and Fire Insurance Company, for and during the term of twenty years from and after the passing of this Act; and by that name may sue and be sued, prosecute and defend to final judgment and execution; and they may have a common seal, which they may alter at pleasure; and may purchase, hold and convey any estate real or personal for the use of said Company, subject to the restrictions hereinafter mentioned.*

Value of shares and amount of capital.

SECT. 2. *Be it further enacted by the authority aforesaid, That a share in the capital stock of the said Company shall be one hundred dollars, and the number of shares shall be two thousand; and the capital stock of said Company shall never exceed two hundred thousand dollars, exclusive of premium notes and profits arising from said business, of which capital stock twenty thousand dollars only shall be invested in real estate.*

Directors to be chosen & mode prescribed.

SECT. 3. *Be it further enacted by the authority aforesaid, That the stock, property, affairs and concerns of the said Company shall be managed and conducted by seven Directors, one of whom they shall choose as President of the Stockholders and Directors, and they shall respectively hold their offices for one year, and until others shall be chosen, and no longer; which Directors, at the time of their election, shall be Stockholders, and citizens of this Commonwealth; and shall be elected on the first Monday of August in each and every year, at such time of the day, and at such place in the town of Portland as a majority of the Directors for the time being shall appoint, of which election public notice shall be given in the newspapers printed in said town, and continued fourteen days immediately preceding such election; and such election shall be holden under the*

the inspection of three Stockholders, not being Directors, to be appointed previous to every election by the Directors; and shall be made by ballot by a majority of the Stockholders present, allowing one vote to each share in the capital stock: *Provided*, Provide. That no Stockholder shall be allowed more than ten votes; and the Stockholders not present may vote by proxy, under such regulations as the Company may prescribe: And in case that by accident the said Directors shall not be chosen on the first Monday of *August* aforesaid, it shall be lawful to choose them on another day, in manner aforesaid.

SECT. 4. *Be it further enacted by the authority aforesaid*, That the Directors so chosen shall meet as soon as may be after their election, and choose of their own body one person to be President, who shall preside for one year, and be sworn faithfully to discharge the duties of his office; and in case of the death, resignation or disability of the President or any Director, such vacancy shall be filled for the remainder of the year, by a special election, to be conducted in the same manner as is herein before directed in the case of annual elections. The Directors to choose a President.

SECT. 5. *Be it further enacted*, That the President and three Directors, or four Directors in the absence of the President, shall be a Board competent to transact business; and they shall have power to make such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of said Company, and the transfer of the shares, and touching the duties and conduct of the several officers, clerks and servants employed, and the election of Directors, and all such matters as appertain to the business of insurance; and shall also have power to appoint a Secretary, clerks and servants for carrying on the said business, and determine their compensations, as also the compensation of the President: *Provided*, That such by-laws, rules and regulations shall not be inconsistent with the Constitution and laws of this Commonwealth. Board of Directors and their power.

SECT. 6. *Be it further enacted*, That there shall be stated meetings of the Directors at least once in every month, and as much oftener as the President and Directors shall deem proper; and the President and two Directors, to be by him appointed in rotation, shall assemble daily, if need be, for the dispatch of business: And the said Board of Directors, or the President and any two of them, appointed as aforesaid, at and during the pleasure of the said Board, shall have power and authority on behalf of the Company, to make insurance upon vessels, freight, money and goods, and against captivity of persons, and on the life of any person during his absence by sea, and in case of money lent upon *bottomry* or *respondentia*; and are also authorized Meetings of Directors. What may be insured.

ized to make insurance on any mansion-house or other building, and on the goods and property therein contained, against damage arising to the same by fire, originating in any cause except design in the insured; and to fix the premiums and terms of payment: And all policies of insurance by them made shall be subscribed by the President, or in case of his death, sickness, inability or absence, by any two of the Directors, and countersigned by the Secretary, and shall be obligatory upon the said Company, and have the like effect and force as if under the seal of said Company; and the insured may thereupon maintain an action upon the case against the said Company; and all losses duly arising under any policy so subscribed, may be adjusted and settled by the President and Directors, and such adjustment and settlement shall be binding on the Company.

Semi-annual dividends to be made.

Cases of losses affecting the capital.

SECT. 7. *And be it further enacted,* That it shall be the duty of the Directors, on the first Mondays of *August* and *February* in every year, to make dividends of so much of the interest arising from the capital stock, and the profits of said Company, as to them shall appear adviseable; but the monies received, and notes taken for premiums on risks, which shall be undetermined and outstanding at the time of making such dividends, shall not be considered as part of the profits of the Company: And in case of any loss whereby the capital stock of the Company shall be diminished, each Stockholder's estate shall be held accountable for the deficiency which may be due on his share or shares at the time of said loss, to be paid as the Directors shall order; and no subsequent dividend shall be made, until a sum equal to such diminution shall have been added to the capital; and once in every two years, and oftener if required by a majority of the Stockholders, the Directors shall lay before the Stockholders, at a general meeting, an exact and particular statement of the profits, if any there be, after deducting losses, dividends and expenses.

Company not to trade in goods, &c.

SECT. 8. *Be it further enacted,* That the said Company shall not directly nor indirectly deal or trade in buying or selling any goods, wares, merchandize or commodities whatsoever, other than such as may be abandoned to the Company by the assured; and the capital stock of said Company, after being collected at each instalment, shall, within one hundred and twenty days, be invested in the funded debt of the *United States*, or of this Commonwealth, or in the stock of any of the incorporated Banks within this Commonwealth, or in the stock of the Bank of the *United States*, at the discretion of the President and Directors of said Company.

A Director of another Company not eligible in this.

SECT. 9. *Be it further enacted,* That no person being a Director of any other Company carrying on the business of marine and fire insurance, shall be eligible as a Director of the Company by this Act established.

SECT.

SECT. 10. *Be it further enacted*, That fifty dollars on each share in said Company shall be paid within sixty days after the first meeting of said Company, and the residue of each share within one year after the said first payment, at such instalments, and under such penalties as the said Company shall direct; and no transfer of any share in said Company shall be permitted, or be valid, until all the instalments made on such share shall have been paid.

Payment for
shares.

SECT. 11. *Be it further enacted*, That the property of any member of said Company, vested in the stock of said Company, shall be liable to attachment, and to the payment and satisfaction of his just debts, to any of his *bona fide* creditors, in manner following, viz. In addition to the summons by law prescribed to be left with the defendant, a like summons shall be left with the Secretary of said Company; and the debtors' shares in said Company's funds, together with the interest and profits due or growing due thereon, or so much thereof as shall be sufficient, shall thereby be held to respond said suit according to law; and all transfers of debtors' shares not noted in the books of the Company previous to the delivery of such summons, shall be barred thereby; and execution may be levied upon the property of any Stockholder in said Company, and his shares therein exposed to sale in the same manner as is by law prescribed when personal estate is taken in execution; and it shall be the duty of the officer who extends such execution, to leave an attested copy thereof, with his doings thereon, with the Secretary of said Company; and the purchasers shall then be entitled to the reception of all dividends and stocks which the debtor was previously entitled to: And upon any attachment being made or execution levied on any share in said Company, it shall be the duty of the Secretary to expose the books of the Company to the officer, and to furnish him with a certificate under his hand, in his official capacity, ascertaining the number of shares the debtor holds in said Company, and the amount of the dividend due thereon.

Shares may be
taken in execu-
tion, and the
mode preferib-
ed.

SECT. 12. *Be it further enacted*, That in case of any loss or losses taking place, that shall be equal to the amount of the capital stock of the said Company, and the President or Directors, after knowing of such loss or losses, shall subscribe to any policy of insurance, their estates jointly and severally shall be accountable for the amount of any and every loss that shall take place under policies thus subscribed.

Case of losses
equal to capi-
tal.

SECT. 13. *Be it further enacted*, That the President and Directors of said Company shall, previous to their subscribing to any policy, and once in every year after, publish in the *Portland* newspapers, the amount of their stock, against what risks they mean to insure, and the largest sum they mean to take

Amount of
stock to be
published, and
what is to be
insured.

Proviso.

take on any one risk: *Provided*, That the said President and Directors shall not be allowed to insure on any one risk a larger sum than *ten per centum* of the amount of the capital stock actually paid in.

Statement to be laid before the Legislature.

SECT. 14. *Be it further enacted*, That the President and Directors of said Company shall, when, and as often as required by the Legislature of this Commonwealth, lay before them a statement of the affairs of said Company, and submit to an examination concerning the same under oath.

First meeting of Stockholders.

SECT. 15. *Be it further enacted*, That *John Taber, John Muffey, and Stephen McLellan*, are hereby authorized to call a meeting of the members of said Company as soon as may be, in *Portland*, by advertizing the same two weeks in the *Portland* newspapers, previously to such meeting, for the purpose of electing the first Board of Directors, who shall continue in office until the first Monday of *August*, one thousand eight hundred and four.

[This Act passed *June 22, 1803.*]

An ACT to incorporate *William Widgery, Esq. and others*, into a Company, by the Name of *The Portland Marine and Fire Insurance Company*.

Incorporating clause.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *William Widgery, Josiah Cox, Joshua Richardson, David Green, Walter Simonton, Joshua Rogers*, and all such persons as have already, or hereafter shall become Stockholders in said Company, being citizens of the *United States*, be, and hereby are incorporated into a Company and Body Politic, by the name of *The Portland Marine and Fire Insurance Company*, for and during the term of twenty years after the passing of this Act; and by that name may sue and be sued, plead or be impleaded, appear, prosecute and defend to final judgment and execution, and have a common seal, which they may alter at pleasure; and may purchase, hold and convey any estate, real or personal, for the use of said Company, subject to the restrictions hereinafter mentioned.

Amount of shares and capital stock.

SECT. 2. *Be it further enacted*, That a share in the capital stock of the said Company shall be *one hundred dollars*, and the number of shares shall be two thousand; and the capital stock of said Company shall never exceed *two hundred thousand dollars*, exclusive of premium notes, and profits arising from said business; of which capital stock *twenty thousand dollars* only shall be invested in real estate.

SECT. 3. *Be it further enacted*, That the stock, property, affairs and concerns of the said Company shall be managed and conducted

conducted by seven Directors, one of whom shall be the President thereof, who shall hold their offices for one year, and until others shall be chosen, and no longer; which Directors shall, at the time of their election, be Stockholders, and citizens of this Commonwealth; and shall be elected on the first Tuesday of *August*, in each and every year, at such times of the day, and at such place in the town of *Portland*, as a majority of the Directors for the time being shall appoint, of which election public notice shall be given in the newspapers printed in the town of *Portland*, and continued for the space of fourteen days immediately preceding such election; and such election shall be holden under the inspection of three Stockholders, not being Directors, to be appointed previous to every election by the Directors, and shall be made by ballot, by a majority of the votes of the Stockholders present, allowing one vote to each share in the capital stock: *Provided*, That no Stockholder shall be allowed more than thirty votes; and the Stockholders not present may vote by proxy, under such regulations as the Company may prescribe; And in case of any unavoidable accident the said Directors shall not be chosen on the said first Tuesday of *August* as aforesaid, it shall be lawful to choose them on another day, in manner herein prescribed.

Directors to be chosen, and manner of election directed.

Proviso respecting votes.

SECT. 4. *Be it further enacted*, That the Directors so chosen shall meet as soon as may be after such election, and shall choose out of their body one person to be President, who shall preside for one year, and be sworn faithfully to discharge the duties of his office; and in case of the death, resignation or disability of the President or any Director, such vacancy or vacancies shall be filled, for the remainder of the year in which they may happen, by a special election for that purpose, to be held in the same manner as is herein before directed respecting annual elections for Directors and President.

Directors to choose their President.

SECT. 5. *Be it further enacted*, That the President and three Directors, or four Directors in the absence of the President, shall be a Board competent to transact business; and they shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of said Company, and the transfer of the shares, and touching the duty and conduct of the several officers, clerks and servants employed, and the election of Directors, and all such matters as appertain to the business of insurance; and shall also have power to appoint a Secretary, and so many clerks and servants for carrying on the said business, and with such salaries and allowances to them, and to the President, as to the said Board shall seem meet: *Provided*, That such by-laws, rules and regulations shall not be repugnant to the Constitution or laws of this Commonwealth.

Board of Directors, and their powers.

SECT.

Monthly and
daily meetings
of President
& Directors

SECT. 6. *Be it further enacted,* That there shall be stated meetings of the Directors at least once in every month, and as much oftener as the President and Directors shall deem proper; and the President and two Directors, to be by him appointed in rotation, shall assemble daily, if need be, for the dispatch of business; and the said Board of Directors, and the President, and any two of them, appointed as aforesaid, at and during the pleasure of the said Board, shall have power and authority, on behalf of the Company, to make insurance upon vessels, freight, money, goods and effects, and against captivity of persons, and on the life of any person during his absence by sea, and in case of money lent upon *bottomry* and *respondentia*; and are also authorized to make insurance on any mansion-house or other building, and on the goods and property therein contained, within this Commonwealth, against damage arising to the same by fire, originating in any cause except that of design in the insured; and to fix the premiums and terms of payment: And all policies of insurance by them made shall be subscribed by the President, or in case of his death, sickness, inability or absence, by any two of the Directors, and countersigned by the Secretary, and shall be binding and obligatory upon the said Company, and have the like effect and force as if under the seal of said Company; and the insured may hereupon maintain an action upon the case against the said Company; and all losses duly arising under any policy so subscribed, may be adjusted and settled by the President and Board of Directors, and the same shall be binding on the Company.

What are to be
insured.

Subscription of
policies.

Semi-annual
dividends to be
made.

SECT. 7. *Be it further enacted,* That it shall be the duty of the Directors, on the second Tuesday of *February* and *August* in every year, to make dividends of so much of the interest arising from the capital stock, and the profits of the said Company, as to them shall appear advisable; but the monies received, and the notes taken for premiums on risks, which shall be undetermined and outstanding at the time of making such dividends, shall not be considered as part of the profits of the Company: And in case of any loss or losses whereby the capital stock of the Company shall be lessened, each Proprietor or Stockholder's estate shall be held accountable for the deficiency that may be due on his share or shares, at the time of said loss or losses taking place, to be paid in to the said Company by assessments, or such other mode, and at such time and place as the Directors shall order; and no subsequent dividend shall be made until a sum equal to such diminution shall have been added to the capital; and that once in every two years, and oftener if required by a majority of the Stockholders, the Directors shall lay before the Stockholders, at a general meeting, an exact and particular statement of the profits, if any there be, after deducting losses, dividends and expenses.

Case of losses
affecting the
capital.

SECT. 8. *Be it further enacted,* That the said Company shall not directly or indirectly deal or trade in buying or selling any goods, wares, merchandize or commodities whatsoever, other than such as may be abandoned to the Company by the assured; and the capital stock of said Company, after being collected at each instalment, shall, within one hundred and twenty days, be invested in the funded debt of the *United States*, or of this Commonwealth, or in the stock of any of the incorporated Banks within this Commonwealth, or in the stock of the Bank of the *United States*, at the discretion of the President and Directors of said Company.

Company not to trade.

Investment of capital stock.

SECT. 9. *Be it further enacted,* That no person being a Director of any other Company carrying on the business of marine and fire insurance, shall be eligible as a Director of the Company by this Act established.

Directors of other Companies not eligible in this.

SECT. 10. *Be it further enacted,* That fifty dollars on each share in said Company shall be paid within sixty days after the first meeting of the said Company, and the remaining sum due on each share within one year after the said first payment, at such instalments, and under such penalties as the said Company shall direct; and no transfer of any share in said Company shall be permitted, or be valid, until all the instalments made on such share shall have been paid.

Payment for shares.

SECT. 11. *Be it further enacted,* That the property of any member of said Company, vested in the stock of said Company, shall be liable to attachment, and to the payment and satisfaction of his just debts, to any of his *bona fide* creditors, in manner following, viz. In addition to the summons by law prescribed to be left with the defendant, a like summons shall be left with the Secretary of said Company; the debtor's shares in said Company's funds, together with the interest and profits due or growing due thereon, or so much thereof as shall be sufficient, shall thereby be held to respond said suit according to law; and all transfers of the debtor's shares, not noted in the books of the Company previous to the delivery of such summons, shall be barred thereby; and execution may be levied upon the property of any Stockholder in said Company, and his shares therein exposed to sale in the same manner as is by law prescribed where personal estate is taken by execution; and it shall be the duty of the officer who extends such execution, to leave an attested copy thereof, with his doings thereon, with the Secretary of said Company; and the purchasers shall thereupon be entitled to the reception of all dividends and stocks which the debtor was previously entitled to: And upon any attachment being made or execution levied on any share in said Company, it shall be the duty of the Secretary to expose the books of the Company to the officer, and to furnish him with a certificate under

Shares liable to attachment, &c. mode, &c. prescribed.

under his hand, in his official capacity, ascertaining the number of shares the debtor holds in said Company, and the amount of the dividend due thereon.

Cases of losses equal to the capital stock. SECT. 12. *Be it further enacted*, That in case of any loss or losses taking place that shall be equal to the amount of the capital stock of the said Company, and the President or Directors, after knowing of such loss or losses taking place, shall subscribe to any policy of insurance, their estates jointly and severally shall be accountable for the amount of any and every loss that shall take place under policies thus subscribed.

Amount of stock to be published, and against what risks insurance will be made. SECT. 13. *Be it further enacted*, That the President and Directors of said Company shall, previous to their subscribing to any policy, and once in every year after, publish in the *Portland* newspapers, the amount of their stock, against what risks they mean to insure, and the largest sum they mean to take on any one risk: *Provided nevertheless*, That the said President and Directors shall not be allowed to insure on any one risk a larger sum than *ten per centum* of the amount of the capital stock of said Corporation actually paid in.

Statement to be made to the Legislature. SECT. 14. *Be it further enacted*, That the President and Directors of said Company shall, when, and as often as required by the Legislature of this Commonwealth, lay before them a statement of the affairs of said Company, and submit to an examination concerning the same under oath.

Persons authorized to call the first meeting. SECT. 15. *Be it further enacted*, That *Elias Thomas, Josiah Cox, and Joshua Richardson*, are hereby authorized to call a meeting of the members of said Company as soon as may be, in *Portland*, by advertizing the same for two weeks in the *Portland* newspapers, previous to such meeting, for the purpose of electing the first Board of Directors, who shall continue in office until the first Tuesday of *August*, one thousand eight hundred and four.

[This Act passed June 22, 1803.]

An ACT to incorporate the Plantation called *Tyngtown* into a Town by the Name of *Wilton*.

Boundaries of the town of Wilton. SECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the plantation called *Tyngtown*, as described within the following limits, with the inhabitants thereon, be, and they are hereby incorporated into a town by the name of *Wilton*: Beginning at the south-easterly corner of *Temple*; thence running south-westerly on the southerly line of *Temple*, to the south corner thereof; thence southerly, on the easterly line of township No. 4, to the northerly line of *Dixfield*; thence easterly, on the northerly line of *Dixfield*, to the westerly line of

of *Jay*; then northerly, on the westerly line of *Jay*, to the north-easterly corner thereof; then easterly, on the northerly line of *Jay*, to the north-easterly corner of *Chesterville*; then north-easterly, on the north-westerly line of *Chesterville*, to the south-westerly line of *Farmington*; then northerly, on said line of *Farmington*, to the first-mentioned bounds: And the said town of *Wilton* is hereby vested with all the powers, privileges and immunities to which other towns are entitled by the Constitution and laws of this Commonwealth.

SECT. 2. *And be it further enacted*, That *Solomon Adams*, Esq. be, and hereby is authorized to issue his warrant, directed to some suitable inhabitant in said *Wilton*, requiring him to notify and warn the inhabitants of said *Wilton*, qualified by law to vote in town affairs, to meet at such time and place as shall be directed in said warrant, to choose all such officers as towns in this Commonwealth are by law required to choose in the months of *March* or *April* annually.

Solom. Adams
authorized to
call first meet-
ing.

[This Act passed June 22, 1803.]

An ACT to change the Names of *Enoch Rust Ridgway*, *George Parbury*, *Catharine Powell Archbald*, *Bradstreet Story*, *Samuel Bradley, jun.* and *Samuel Goddard*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Enoch Rust Ridgway*, of *Boston*, shall be allowed to take the name of *Enoch Henry Rust*: That *George Parbury*, son of *George Parbury*, late of *Baltimore*, now resident in *Boston*, shall be allowed to take the name of *George Parbury Pollen*: That *Catharine Powell Archbald*, of *Boston*, daughter of *Francis Archbald*, of *Penobscot*, shall be allowed to take the name of *Catharine Goldthwait Powell*: That *Bradstreet Story*, of *Boston*, son of the Rev. *Isaac Story*, late of *Marblehead*, shall be allowed to take the name of *Dudley Story Bradstreet*: That *Samuel Bradley, jun.* now resident in *Boston*, son of *John Bradley*, of *Concord*, in the State of *New-Hampshire*, shall be allowed to take the name of *Samuel Ayer Bradley*; and that *Samuel Goddard*, of *Boston*, son of *Samuel Goddard*, of *Roxbury*, shall be allowed to take the name of *Samuel Brewer Goddard*:—And each of the persons before-named shall, in future, be respectively known and called by the names which they are severally allowed to take as aforesaid; and the same shall be considered as their only proper names to all intents and purposes.

[This Act passed June 22, 1803.]

AN

An ACT to incorporate a Number of the Inhabitants of the Town of *Penobscot*, in the County of *Hancock*, into a Religious Society by the Name of *The First Congregational Society in Penobscot*.

Names of persons incorporated.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That David Dunbar, David Hawes, Benjamin Dodge, John Waffon, Josham Stover, Peletiah Leach, Caleb Bowden, Paul Bowden, Theodore Bowden, Isaac Hatch, Eldad Heath, Jery Stover, John Hart, Jery Stover, jun. Ralph Devereaux, Joseph Devereaux, John Bridges, Henry Bridges, Isaac Bridges, jun. Theodore Bowden, Daniel Clement, Isaac Clement, Rufus Bowden, Isaac Bridges, Ebenezer Bowden, the 3d, Thomas Bowden, Amos Bowden, Ebenezer Bowden, John Snowman, David Dunbar, jun. John White, John Wescott, Giles Johnson, David Wescott, Joseph Gray, John Lord, Jery Lord, Jacob Bowden, Peletiah Taplay, Samuel Nichols, William Blodget, Nathaniel Veazey, James Veazey, John Bowden, Merrill Heath, and George Roberts, together with such others as shall hereafter associate with them, with their polls and estates, be, and they are hereby incorporated into a Religious Society by the name of *The First Congregational Society in Penobscot*; with all the powers, privileges and immunities to which parishes are by law entitled in this Commonwealth.

Pews may be leased or sold.

Provide.

SECT. 2. *Be* it further enacted, That the said Society be, and hereby is authorized and empowered to sell or lease the pews in the meeting-house which is or may hereafter be erected by said Society, and to give deeds to convey the same; and the monies or other profits or emoluments arising therefrom, after payment of expenses for building said house, shall be applied exclusively to the support of religious worship in the said meeting-house: *Provided* however, That nothing herein contained shall be construed to deprive the inhabitants of said town of the right to assemble in said meeting-house, in town-meetings, for the transaction of town affairs.

How to become a member of the Society.

SECT. 3. *And* be it further enacted, That any other person who shall actually become a member of, and unite in religious worship with the said First Congregational Society, by giving in his or her name to the town-clerk of said *Penobscot*, with a certificate signed by the Minister or Clerk of said Society, that he or she has actually become a member of, and united in worship with said First Society in *Penobscot*, shall, from and after giving in such certificate, with his or her polls and estates, be considered as a member of the said Society.

SECT.

SECT. 4. *And be it further enacted,* That when any member of the said First Society in *Penobscot* shall see cause to leave the same, and unite in religious worship with any other religious Society, and shall give in his or her name to the Clerk of such other Society, and obtain a certificate signed by the minister or Clerk of such other religious Society with which he or she may so unite, that he or she has actually become a member of, and united in religious worship with such other parish or religious Society, fourteen days previous to their annual meeting in *March* or *April*, and shall previously pay his or her proportion of all monies assessed in said Society, and also the amount due from him or her respectively on any agreement signed by him or her for the support of a Minister, such person shall, from and after the date of such certificate, with his or her polls and estate, be considered as a member of the Society to which he or she has so united.

How to leave the Society.

SECT. 5. *And be it further enacted,* That any Justice of the Peace in said county of *Hancock*, upon application made to him in writing therefor, be, and hereby is authorized to issue his warrant, directed to some member of the said First Congregational Society in *Penobscot*, requiring him to notify the members thereof, qualified to vote in parish affairs, to assemble at such convenient time and place as shall be expressed in the said warrant, to choose such officers as parishes are by law required to choose in the month of *March* or *April* annually; and to transact all other matters and things necessary to be done for the well being of the said Society.

Justice of the Peace to issue warrant for first meeting.

[This Act passed *June 22, 1803.*]

An ACT to incorporate a Number of the Inhabitants in the Town of *Standish*, in the County of *Cumberland*, into a distinct Religious Society by the Name of *The First Baptist Society in Standish.*

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *Sargent Shaw, Simon Moulton, Samuel Rich, Enoch Shaw, David Sanbourn, Josiah Harmon, Joseph Shaw, David Decker, Lydia Richardson, Timothy Berry, William Hall, jun. John Plaisted, Elliot Hannon, Ebenezer Morton, Isaac Letherby, John Grun, Jonathan Ward, Peter White, Jonathan Haskell, Ephraim Crocket, James Gray, John Sawyer, Josiah Moulton, Samuel Shaw, Aaron Richardson, David Richardson, Thomas Richardson, Zechariah Rich, Joseph Shaw, jun. Jonathan Moulton, Daniel Thomas, Enoch Whitney, and James Smith,* with their families and estates, together with such other of the inhabitants

Names of persons incorporated.

habitants of said town of *Standish* as have associated, or may hereafter at any time within two years from the passing of this Act associate themselves for that purpose, in the manner hereinafter described, be, and hereby are incorporated into a religious Society by the name of *The First Baptist Society in Standish*, with all the powers, privileges and immunities to which other parishes in this Commonwealth are by law entitled.

SECT. 2. *Be it further enacted by the authority aforesaid*, That any person or persons in the town aforesaid, being of the Baptist denomination aforesaid, who may actually become a member of, and unite in religious worship with the Society aforesaid, within the time limited in the first section of this Act, by giving in his or her name to the Clerk of said town, with a certificate signed by the Minister or Clerk of said Society, that he or she has actually become a member of, and united in religious worship with the Society aforesaid, shall, from and after giving in such certificate, with his or her polls and estate, be considered as a part of said Society: *Provided however*, That such person or persons shall be held to pay their proportion of all monies assessed in said town previous to that time.

SECT. 3. *And be it further enacted*, That *John Deane, Esq.*, or some other Justice of the Peace in said county of *Cumberland*, be and hereby is authorized and empowered to issue his warrant, directed to some suitable member of said Society, requiring him to notify and warn the members of said Society, to meet at such time and place as shall be appointed in said warrant, to choose such officers as parishes in this Commonwealth are by law entitled to choose in the months of *March* or *April* annually.

[This Act passed June 22, 1803.]

An ACT to establish a Corporation by the Name of
The Essex Turnpike Corporation.

Preamble.

WHEREAS turnpike roads are now opened and about to be opened, from the northern part of the State of *New-Hampshire*, towards *Boston* and *Salem*, in *Massachusetts*, and also from the upper part of the State of *Vermont*, through the western part of *New-Hampshire*, directed likewise towards *Boston* and *Salem*, till they shall meet the line of *Massachusetts*; which said roads are expected to unite near said line with a view of crossing *Merrimack River* at *Andover Bridge*: And whereas the continuing of said turnpike roads, from the place where they shall enter this Commonwealth towards the towns of *Boston* and *Salem*, so far as the roads are now circuitous and bad, will be of great public utility; and *Zebadiah Holt*, and others,

others, have petitioned this Court for an Act of incorporation, to empower them to lay out and make said roads: Therefore,

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Zebediah Holt, Stephen Barker, George D. Herrick, Benjamin Osgood, Isaac Bodwell, Nehemiah Abbot, John Abbot, Samuel Farrow, John L. Abbot, and Benjamin Ames, and all such persons as are or shall be associated with them, and their successors, shall be a Corporation by the name of *The Essex Turnpike Corporation*; and shall by that name sue and be sued; and shall have a common seal, and enjoy all the privileges and powers which are by law incident to a Corporation, for the purpose of laying out and making a turnpike road, and keeping the same in repair; that is to say, a road beginning at the line of the State of *New-Hampshire*, when the aforesaid road shall enter this Commonwealth, to be continued on a course south twenty-four and an

Names of persons incorporated.

half degrees east, as nearly as possible, to *Andover Bridge*, so called; thence south about thirteen degrees east, continuing the *Boston* road till it intersects the *Haverhill* post road to *Boston*, near the south meeting-house in *Andover*; thence south thirteen degrees east, or nearly so, till it meets the line of the county of *Middlesex*, near the dwelling-house of Mr. *Joseph Holt*, in *Reading*; the *Salem* road to proceed from *Andover Bridge*, on as straight a line as is found practicable, to the store of Capt. *Nathan Felton*, in *Danvers*, Course of the road.

SECT. 2. *And be it further enacted,* That the abovementioned persons, or any three of them, may, by an advertisement in the *Salem Gazette*, printed in *Salem*, and in the *New-England Palladium*, printed in *Boston*, call a meeting of the said Proprietors, to be holden at any suitable time and place, after fifteen days from the publication of said advertisement; and the said Proprietors, by vote of the majority of those present or represented at the said meeting, (in all cases accounting and allowing a vote to each single share) shall choose a Clerk, who shall be sworn to the faithful discharge of his duty, and who shall agree on a method for calling future meetings; and at the same or at any subsequent meeting may make and establish any rules and regulations that shall be necessary or convenient for regulating the said Corporation, for effecting, completing and executing the purposes aforesaid, or for collecting the toll hereafter granted; and the same rules and regulations may cause to be kept and executed, or for the breach thereof may order and enjoin fines and penalties, not exceeding *thirteen dollars and thirty-three cents* for any breach thereof, *provided* such rules and regulations are not repugnant to the laws or Constitution of this Commonwealth: And the said Proprietors may also choose and appoint any other officer or officers that they may deem necessary; and

First meeting how to be called; & what business is to be transacted.

all

Annual record
to be kept.

all representations at any meeting shall be proved in writing, signed by the person making the same, which shall be filed with and recorded by the Clerk; and this Act, and all rules, regulations and votes of the said Corporation, shall be fairly and truly recorded by the said Clerk, in a book or books to be provided and kept for that purpose: *Provided also*, That no one Proprietor in this Corporation shall have, in his own right, more than twenty votes.

Width of the
road.

SECT. 3. *And be it further enacted*, That the same turnpike road shall be laid out and made by the said Corporation of sufficient width in every part thereof for the accommodation of the public, that is to say, four rods wide through the whole of said road, and the made way or path for travelling shall be of sufficient width, and not less than thirty-two feet wide in any part thereof; and when the said road shall be sufficiently made, and shall be so allowed by any three men to be appointed by His Excellency the Governor of this Commonwealth, for that purpose, then the said Corporation shall be authorized to erect three turnpike gates, at such convenient distances within the said road, as a majority of the Proprietors by them or their officers shall direct: *Provided*, That neither of the gates afore-

Three gates to
be erected.

Toll establish-
ed.

said shall be placed on any part of the roads heretofore travelled; and shall be entitled to receive at each one of the said gates, from each traveller and passenger, the following rate of toll, viz. For every coach, phaeton, chariot, or other four-wheel carriage, for the conveyance of persons, drawn by two horses, *twenty-five cents*, and if drawn by more than two horses, an additional sum of *four cents* for each horse; for every cart, waggon, sleigh or sled, or other carriage of burden, drawn by two oxen or horses, *twelve and an half cents*, and if by more than two, an additional sum of *three cents* for every such ox or horse; for every curricule, *sixteen cents*; for every sleigh, for the conveyance of passengers, drawn by two horses, *twelve and an half cents*, and if drawn by more than two, an additional sum of *three cents* for each horse; for every sled or sleigh, drawn by one horse, *ten cents*; for every chaise, chair or other carriage, drawn by one horse, *twelve and an half cents*; for every man and horse, *five cents*; for all oxen, horses and neat cattle, led or driven, besides those in teams and carriages, *one cent* each; for all sheep and swine, *three cents* by the dozen, and in the same proportion for a greater or less number: *Provided*, That the General Court may hereafter otherwise regulate the tolls to be paid by carts and waggons, according to the width of the felloes of the wheels on which they shall run, and the burdens which they shall carry.

SECT. 4. *And be it further enacted*, That said Corporation may purchase and hold any land over which they may make said

saïd road ; and the Justices of the Court of General Sessions of the Peace in the county of *Essex* are hereby authorized, on application from the saïd Corporation, to lay out such road, or any part thereof within the saïd county, as with the consent of the Corporation they may think proper : And the saïd Corporation shall be holden to pay all damages which shall arise to any person by taking his land for such road, where it cannot be obtained by voluntary agreement, to be estimated by a Committee appointed by the Court of General Sessions of the Peace in saïd county, saving to either party a right of trial by Jury, according to the law which makes provision for the recovery of damages happening by laying out public highways.

SECT. 5. *And be it further enacted*, That if the saïd Corporation, or their toll-gatherer, or others by them employed, shall unreasonably delay or hinder any passenger or traveller at either of saïd gates, or shall demand or receive more toll than is by this Act established, the Corporation shall forfeit and pay a sum not exceeding *ten dollars* nor less than *two dollars*, to be recovered before any Justice of the Peace of saïd county of *Essex*, by any person injured, delayed or defrauded, in a special action of the case ; the writ in which shall be served on saïd Corporation, by leaving a copy of the same with the Treasurer, or some individual member of saïd Corporation living in saïd county, or by reading the same to saïd Treasurer, or individual member, at least seven days before the day of trial ; and the Treasurer of saïd Corporation, or individual member, shall be allowed to defend the same suit in behalf of the saïd Corporation : And the saïd Corporation shall be liable to pay all damages that shall happen to any person from whom the toll is demandable, for any damage which shall arise from the defect of bridges or want of repairing saïd ways ; and shall also be liable to presentment by the Grand Jury, for not keeping the same in good repair.

SECT. 6. *And be it further enacted*, That if any person shall cut, break down or otherwise destroy any of saïd gates, or shall dig up or carry away any earth from the saïd roads, or in any manner damage the same, or shall forcibly pass, or attempt to pass by force saïd gates, without first having paid the legal toll at such gate, such person shall forfeit and pay a fine not exceeding *fifty dollars* and not less than *ten dollars*, to be recovered by the Treasurer of saïd Corporation to their use, in an action of trespass on the case : And if any person with a team, cattle or horses, turn out of saïd road to pass any of the turnpike gates aforesaid, and again enter saïd road, with an intent to avoid any toll established as aforesaid, such person shall forfeit and pay *two dollars*, to be recovered by the Treasurer aforesaid, to the use aforesaid, in action of debt : *Provided*, That

Corporation allowed to hold land ; and the Justices of the Court of Sessions authorized to lay out the road.

Penalty for delaying passengers or taking illegal toll.

— for wilfully injuring the gates or road.

— for attempt to evade the toll.

Exemptions
from toll.

That nothing in this Act shall extend to entitle the said Corporation to demand or receive toll of any person who shall be passing with his horse or carriage to or from public worship, or with his horse, team or cattle, to or from his common labour, or to or from any mill, or on the common or ordinary business of family concerns within the said town, or from any person or persons passing on military duty.

Shares deemed
personal estate,
and mode of
transfer and
attachment
prescribed.

SECT. 7. *And be it further enacted*, That the shares in said roads shall be deemed personal estate to all intents and purposes, and shall be transferable by deed, duly acknowledged before any Justice of the Peace, and recorded by the Clerk of the said Corporation, in a book to be kept for that purpose: And when any such share shall be attached on *mesne process*, or taken in execution, an attested copy of such writ of attachment or execution shall, at the time of the attachment or taking in execution, be left with the Clerk of said Corporation, otherwise the attachment or taking in execution shall be void; and such shares may be taken and sold by execution in the same manner as other personal estate, and the officer or judgment creditor, leaving a copy of such execution, with the return thereon, with the Clerk, within fourteen days after such sale, and paying for the recording thereof, shall be deemed a sufficient transfer of the same.

An account of
expenses and
income to be
exhibited.

SECT. 8. *And be it further enacted*, That the said Corporation shall, within six months after said turnpike road shall have been completed, lodge in the Secretary's office an account of all the expenses of said road; and the said Corporation shall annually exhibit to the Governor and Council a true account of the income or dividend arising from said toll, with the necessary annual disbursements on said road; and the books of the said Corporation shall at all times be subject to the inspection of a Committee to be appointed by the General Court, or to the inspection of the Governor and Council when called for.

Shares of de-
linquent Pro-
prietors to be
sold, and mode
prescribed.

SECT. 9. *And be it further enacted*, That whenever any Proprietor shall neglect or refuse to pay any tax or assessment duly voted and agreed upon by the said Corporation, to their Treasurer, within thirty days after the time set for the payment thereof, the Treasurer of said Corporation is hereby authorized to sell at public vendue, the share or shares of such delinquent Proprietor, one or more, as shall be sufficient to defray said taxes and necessary incidental charges, after duly notifying in one or more public newspapers printed in the county of *Essex*, and the newspaper printed in *Boston* by the printers of the General Court, the sum due on such shares, and the time and place of sale, at least thirty days previous to the time of sale; and such sale shall be a sufficient transfer of such share or shares so sold to the person purchasing the same; and on producing a certificate

certificate from the Treasurer to the Clerk of said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the books of the said Corporation; and such person shall be considered to all intents the Proprietor thereof; and the overplus, if any there be, shall be paid on demand by the Treasurer, to the persons whose shares were then sold.

SECT. 10. *And be it further enacted,* That the General Court may dissolve the said Corporation, whenever it shall appear to their satisfaction that the said income arising from said toll shall have fully compensated the said Corporation for all monies they may have expended in purchasing, repairing and taking care of said road, together with an interest thereon at the rate of *twelve dollars on the hundred* for a year, from the time of the same; and thereupon the interest on the said turnpike road shall vest in the Commonwealth: *Provided,* That if the said Corporation shall neglect to complete said turnpike road, for the space of five years from the passing of this Act, the same shall be void and of no effect.

SECT. 11. *And be it further enacted,* That the said Corporation be, and it is hereby empowered to commute the rate of toll with any person, or with the inhabitants of any town through which their turnpike road is made, by taking of him or them any certain sum annually, or for a less time, to be mutually agreed on in lieu of the toll established in and by this Act.

SECT. 12. *And be it further enacted,* That the said Corporation is hereby allowed to grant monies to such persons as rendered services to the Proprietors in exploring the route of the turnpike road, or otherwise, previous to the Act of incorporation: And the said Corporation is hereby authorized to purchase and hold other real estate, adjacent to and for the accommodation of said road, to the amount of *twenty thousand dollars.*

[This Act passed *June 22, 1803.*]

An ACT to incorporate *Jonathan Sawyer, Zebulon Trickey, Ezekiel Jordan,* and others, Proprietors of a Meeting-House in the Town of *Cape-Elizabeth,* in the County of *Cumberland,* for the Purpose of repairing and finishing said House.

SECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *Jonathan Sawyer, Zebulon Trickey, Ezekiel Jordan,* their associates and assigns, Proprietors of the meeting-house

house in *Cape-Elizabeth* aforesaid, be, and hereby are incorporated into a Body Politic by the name of *The Proprietors of the Meeting-House in Cape-Elizabeth*; and by that name may sue and be sued, plead and be impleaded, defend and be defended in all causes whatsoever.

Corporation
to choose offi-
cers, raise mon-
ey, &c.

SECT. 2. *And be it further enacted*, That said Corporation shall have power to choose all such officers as parishes are by law entitled to choose; and such officers, so chosen, shall have the same power as parish officers, so far as to enable them to manage the prudential concerns of said Corporation as provided in this Act: Also to raise money for the maintenance and repairs of said meeting-house, and expend the same according to the vote of said Corporation, for the purposes aforesaid: *Provided*, That in assessing taxes each Proprietor's right in said house shall be appraised by the assessors, and the taxes apportioned according to each Proprietor's right therein.

Case of mem-
bers neglect-
ing or refusing
to pay assess-
ments.

SECT. 3. *And be it further enacted*, That if any member of said Corporation shall neglect, for the space of sixty days, to pay such sum or sums of money as shall be assessed on him to pay on any right or pew in said house, the said right or pew may, by the Collector, be sold at public vendue, and the money arising from said sale applied to the discharge of said taxes, and the residue, (if any,) returned to the debtor: *Provided*, That the said Collector shall give notice of said sale, fourteen days, at least previous thereto, by posting up advertisements at said meeting-house, and at two of the public taverns in said town, of the time and place, and cause of sale.

First meeting.

SECT. 4. *And be it further enacted*, That *Ebenezer Thrasher*, Esq. be empowered to call the first meeting of said Proprietors, and said Proprietors shall then agree upon the manner of calling future meetings.

[This Act passed *June 22, 1803.*]

An ACT to set off *Caleb Stimpson*, with his Dwelling-House and two Acres of Land, from the Parish in *Dorchester*, to the Third Parish in *Roxbury*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Caleb Stimpson*, of *Dorchester*, in the County of *Norfolk*, his dwelling house, and two acres of land adjoining, be, and hereby are set off from the parish in *Dorchester*, and annexed to the third parish in *Roxbury*, in said county.

[This Act passed *June 22, 1803.*]

An ACT to incorporate *John Somes*, and others, by the Name of *The Gloucester Marine Insurance Company*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That John Somes, William Pearson, William Pearce, Fitzwilliam Sargent, and Ignatius Sargent, and all others their associates, being citizens of the United States, who have or shall become Stockholders in a capital stock to be paid and employed in the manner and for the purposes hereinafter mentioned, shall be, and they hereby are incorporated; and they and their successors and assigns shall be and continue, not exceeding the term of twenty years from and after the passing this Act, a Body Politic and Corporate, by the name of The Gloucester Marine Insurance Company; and by that name the said Stockholders may sue and be sued, implead and be impleaded, and shall and may appear, prosecute and defend, in all actions and suits for or against them, until final judgment, execution and satisfaction; and they shall have a common seal, which they may make, alter and renew at their pleasure; and shall be capable in law to take by purchase or otherwise, and to hold and convey real estate: Provided, That the whole real estate which the said Company shall at any one time hold or possess, in their corporate capacity, shall not exceed four thousand dollars in value.*

The Company incorporated, and allowed to hold real estate.

SECT. 2. *And be it further enacted, That the capital stock of the said Company, including their real estate, and exclusive of their accruing profits, premiums and dividends, shall be one hundred thousand dollars, and shall be divided into one thousand shares, of which fifty dollars on each share shall be paid within thirty days after the first meeting of the said Company; and the remainder of each share shall be paid within twelve months after the said first meeting of said Company, at such instalments and under such penalties for any failure therein as the said Company shall direct: Provided, That in the event of any loss or losses from the part which shall be first paid of the said capital stock, every Stockholder shall be liable for the remainder of his share and shares to be demanded, and after ten days public notice thereof, to be sued for and recovered against him by the said Company to the uses of this institution: And provided, That no transfer of any share or shares in the said capital stock shall be permitted, or shall be valid, until the instalments thereof shall be fully paid as aforesaid.*

Amount of capital stock and value of shares.

SECT. 3. *And be it further enacted, That the said Company shall have their first meeting on the first Monday of July next, at such hour and place in Gloucester aforesaid as the said John Somes,*

Time & place of first meeting.

*Somes, William Pearson, William Pearce, Fitzwilliam Sargent, and Ignatius Sargent, or any three of them shall appoint, and of which they shall give ten days previous notice by an advertisement in the Salem Gazette: And at the said first meeting, or some adjournment thereof, the said Company, or those of them who shall be then and there assembled, shall agree and determine by what instalments, conformably to the terms herein before limited, and under what penalties for any failure therein, the shares of said capital stock shall be paid: And shall elect by ballot seven Directors, who, being sworn to the faithful discharge of their trust before some Justice of the Peace for the county of Essex, shall continue in office until the first Monday in May next, and until another election of Directors: And on the said first Monday in May next, and afterwards on the like day annually, during the continuance of this incorporation, the said Company shall be convened in such manner as they shall direct: And at such annual meeting seven Directors shall be elected in the like manner as aforesaid, and being sworn as aforesaid, shall continue in office for the year then next ensuing, and until others shall be chosen and sworn in their place: *Provided*, That no person shall be capable of being elected, or of continuing a Director in the said Company, who is not a Stockholder therein, or who is a Director in any other Insurance Company.*

Choice of Directors,

Proviso.

SECT. 4. *And be it further enacted*, That the seven Directors who shall be first elected as aforesaid, and their successors afterwards annually, or the majority of them, shall, as soon as may be after every election, convene at the place of the meeting of the said Company, or as near thereto as may be, and shall choose one of their number to be President: And in any vacancy of the President or other Director, a meeting of the Stockholders shall be called for the appointment of a Director, and by a like election or elections as aforesaid, such vacancy shall be supplied until the next ensuing annual election.

Directors to choose a President.

Meetings of Stockholders.

SECT. 5. *And be it further enacted*, That the Stockholders may be convened by the President, or by a majority of the Directors, whenever he or they shall think fit; and it shall be the duty of the President and of the other Directors to call a meeting of the Stockholders whenever seven Stockholders other than the Directors shall require it: Meetings of the Stockholders may be notified by an advertisement in some gazette printed at Salem, ten days at the least previous thereto, or in such other manner as the Stockholders shall prescribe: At every meeting of the Stockholders the President of the Directors, and in case of his absence, one of the Stockholders chosen for that purpose shall preside; and the Secretary shall record the proceedings of such meeting: Elections and other questions shall be determined by a majority of votes, reckoning one vote to each share:

Provided,

Provided, That no Stockholder shall have more than ten votes : *Provido re-*
And provided, That in the election of Directors, Stockholders *pecting votes*
 not present may vote by proxy, under such regulations as the
 Directors shall prescribe.

SECT. 6. *And be it further enacted*, That the first and other *Payment of in-*
 instalments of the shares aforesaid, in the said capital stock, *stalments ; &*
 shall be paid to the said President and Directors, or at such *the investment*
 place as they shall prescribe and notify : And it shall be the *of capital dis-*
 duty of the said President and Directors to invest, within six *rected.*
 months after payment of each instalment, the whole amount
 of their receipts for the capital stock of the said Company,
 either in the funded debt of the *United States*, or of this Com-
 monwealth, or in the stock of the bank of the *United States*,
 or of some incorporated bank within this Commonwealth, at
 their discretion.

SECT. 7. *And be it further enacted*, That after the sum of
fifty thousand dollars shall be paid and received as aforesaid, up- *When insura-*
 on the capital stock of the said Company, and not before, the *ance may be*
 President and Directors of the said Company shall have author- *commenced.*
 ity, in the behalf and for the account of the said Company, to
 engage and undertake marine insurances of every kind ; more
 especially insurances upon vessels, their lading and freight, and
 against the captivity, and upon the life of any person during
 his absence by sea, and upon *bottomry and respondentia* bonds
 and contracts : *Provided*, That the said Company or their
 Directors shall not directly or indirectly deal or trade in buy-
 ing or selling any goods, wares, merchandize or commodities
 whatsoever.

SECT. 8. *And be it further enacted*, That the President and
 Directors of said Company shall manage the stock and prop-
 erty, and conduct the affairs, undertakings and concerns of
 said Company, conformably to the purposes of their associa-
 tion, and the authorities and privileges hereby granted them :
 The said President and Directors shall hold stated meetings,
 once at the least in every month, and shall be convened by the
 President or by any two Directors whenever they shall think fit :
 Any four of the Directors shall be a quorum for the transac-
 tion of business ; all questions before them shall be decided
 by a majority of the votes present ; they shall have power to
 establish annually a reasonable salary for their President, to
 appoint and employ a Secretary, a Clerk and such other agents
 and servants as they shall find necessary, and to grant them
 reasonable salaries and compensations ; they shall have author-
 ity to make and prescribe reasonable by-laws and regulations
 for the government of their officers, agents and servants, and
 respecting the meetings of the Stockholders, and of the Di-
 rectors, and the mode of establishing proxies, and of voting
 in

The President
 and Directors
 to conduct the
 affairs of the
 Company ; &
 certain powers
 defined.

in such meetings respectively, and respecting the transfer of shares, the transaction of the ordinary business of the Company, and the disposition and management of their estate, stock and effects: *Provided*, That such by-laws and regulations shall not be repugnant to the Constitution and laws of this Commonwealth.

President and
two Directors
to meet daily.

SECT. 9. *And be it further enacted*, That the President and two other Directors, to be appointed in rotation by the President, shall be a Committee to convene daily for the transaction of business, and shall, during the pleasure of the Directors, have authority to make contracts of insurance: And all policies of marine insurance which shall be subscribed by the President, or in any vacancy of that office, or in the case of his sickness, disability or absence, by any four Directors, and countersigned by their Secretary or Clerk, shall be valid and effectual against the said Company; and every adjustment or settlement which shall be made by the President and Directors of losses and claims arising under such policies, shall be conclusive against the said Company.

Case of losses
affecting the
capital stock.

SECT. 10. *And be it further enacted*, That in the event of any loss or losses from the capital stock of said Company, and equal to the amount which shall be at the time actually paid and received as aforesaid, the President and Directors of the said Company, who, after notice of such loss or losses, shall undertake for the said Company in any other policy of insurance, shall be liable jointly and severally, in their own persons and estates, for the deficiency of the said capital stock to discharge the loss or losses, if any, which shall arise thereon.

Semi-annual
dividends to be
made.

SECT. 11. *And be it further enacted*, That the President and Directors of the said Company, on the last Monday in *April* next, and afterwards half yearly, on the last Monday of *April* and *October* in every year, shall and may divide, at an equal rate to each share in said capital stock, so much of the interest and nett profits which shall have accrued thereon, other than monies and demands paid or payable upon risks outstanding and undetermined, as to them shall appear reasonable; and such dividends shall be declared, and shall be payable at the office of the Company: *Provided*, That no dividend shall be made after any diminution of the said capital stock, until the same shall have been from the said accruing profits or otherwise, re-established at the original amount.

Particular
statement to be
made triennial-
ly or oftener.

SECT. 12. *And be it further enacted*, That once in every three years at the least, and whenever a majority of the Stockholders shall require it, the Directors for the time being shall lay before the Stockholders at their annual meeting, or at an especial meeting to be called for the purpose, a particular statement of the affairs of the Company, and of their estate and

and effects, and of the remaining profits, if any, which shall have accrued on their capital stock, with the losses and dividends on hand, if any, chargeable against the same.

SECT. 13. *And be it further enacted*, That the shares and property of every Stockholder in the said capital stock shall be liable for his just debts, and may be attached therefor, and levied in execution at the suit or for the satisfaction of his creditors: And the officer making such attachment, or levying such execution, shall notify the same to the President, or to the Secretary, or Clerk of the said Company, and shall leave a copy of the process whereby the attachment or levy shall be made, at the office of the said Company; and no transfer of such debtor's shares or property in the said capital stock, not before noted in the books of the said Company, shall be valid or effectual against such attachment or levy: And it shall be the duty of the said President, Secretary or Clerk to cause the officer making such attachment or levy to be furnished, if he require it, with a certificate of the number of shares such debtor holds in the said capital stock, and of the dividends, if any, due thereon; and such shares and property, when taken by virtue of an execution, or so much thereof as shall be requisite to satisfy the demands of the creditor therein, and all fees, shall be exposed to sale as other personal estate; and the purchaser who shall become entitled thereto under such execution, shall succeed to such debtor as his lawful assignee, and shall have a certificate of such transfer accordingly from the Clerk of the said Company.

Shares liable to attachment, & mode directed.

SECT. 14. *And be it further enacted*, That the President and Directors of the said Company, previous to their subscribing any policy of insurance, and once in every year afterwards, shall publish in some newspaper printed at *Salem* aforesaid, the amount of their capital stock, and upon what risk, and to what amount in any one risk, they propose to insure: *Provided nevertheless*, That the said President and Directors shall not be allowed to insure on any one risk a larger sum than *ten per centum* of the amount of the capital stock of said Corporation, actually paid in.

Amount of capital to be published.

SECT. 15. *And be it further enacted*, That the President and Directors of the said Company, whenever it shall be required by the Legislature of this Commonwealth, shall lay before them a true statement of the affairs of the said Company, and shall submit themselves to an examination under oath concerning the same.

Statement to be made to the Legislature.

[This Act passed June 22, 1803.]

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An ACT to incorporate a Number of the Inhabitants of *Warren, Cushing, and St. George*, in the County of *Lincoln*, into a distinct and separate Religious Society, by the Name of *The Baptist Religious Society in Warren, Cushing, and St. George.*

Names of persons incorporated.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Ephraim Hall, Love Alford, James Fisher, Nathan Bucklen, Archibald Crawford, Nathan Bucklen, jun. Reuben Tolman, Daniel Snow, John McIntyer, Nathan Peabody, Robert McIntyer, Alexander Kullock, jun. Marlboro Packard, David Vose, Reuben Hall, Hatevil Libbey, Jacob Caunce, John Payson, Isaac Libbey, John Caunce, John Smith, David Libbey, Palmer McIntyer, Thomas Kellock, Philip Eastman, Alexander Kellock, James Hatch, Caleb Stover, Elijah Hall, James Carney, John Curtis, John Madden, Isaac Hall, Peter Hall, Caleb Hall, Michael Long, Madden Long, Christopher Stover, David Lamson, David Pierfon, Joseph Seavey, jun. Barnabas Fountain, Nathaniel Vickery, Samuel Hart, Isaac Hall, jun. Francis Foster, Thomas Hooper, Daniel Howard, James Fuller, Moses Barter, Thomas Martin, Jabez Henderson, James Teel, Isaac Norwood, John Barter, John Andrews, Nathan Foster, Avery Hart, Jesse Hart, William Linnacken, David Wheeler, John Harrington, James Matthews, Hezekiah Prince, John Lowell, John Gilbreth, John Miller, Samuel Gilbreth, William Wheeler, Michael Shays, Dennis Fegerty, jun. Joseph Seavey, Michael Rowley, Alexander Hawthorn, William Hart, James Hart, Benjamin Cook, Sedate Beckmore, John Beckmore, Samuel Davis, Nathan Foster, jun. Israel Lovett, David Covel, Joseph Coombs, Henry K. Dunbar, Timothy Parson, and Asa Dunbar,* members of the said religious Society, with their polls and estates, be, and they are hereby incorporated by the name of *The Baptist Religious Society in Warren, Cushing, and St. George*; with all the privileges, powers and immunities which other parishes or religious societies in this Commonwealth are by law entitled to.

How to become a member of the Society.

SECT. 2. *And be it further enacted,* That any person who may hereafter actually become a member of, and unite in religious worship with the said Baptist Society, and give in his or her name to the Clerk of either of the towns, or parishes of said towns, of *Warren, Cushing, or St. George*, to which he or she may belong for parochial purposes, with a certificate signed by the Minister or Clerk of the said Baptist Society, that he or she hath actually become a member of, and united in religious worship with the said Baptist Society, fourteen days previous to the town or parish meeting to be holden in the month

month of *March* or *April* annually, shall, from and after giving such certificate, be considered, with his or her polls and estates, as belonging to said Baptist Society: *Provided however*, That all such persons shall be holden to pay their proportion of monies assessed in the town or parish to which they belonged previous to that time.

SECT. 3. *Be it further enacted*, That when any member of said Baptist Society shall see cause or be inclined to leave said Society, and join in religious worship with that Society, in either of the said towns of *Warren*, *Cushing*, or *St. George*, within whose limits they may reside or dwell, and shall leave a certificate with the Clerk of said Baptist Society, signed by the Minister or Clerk of the town or parish where such person shall so reside, that he or she hath actually become a member of, and united in religious worship with such town or parish, fourteen days previous to their annual meeting holden in the month of *March* or *April*, and shall pay his or her proportion of all monies voted in said Baptist Society to be raised previous thereto, such person shall, from and after giving such certificate, with his or her polls and estates, be considered as belonging to the Society to which he or she hath so united.

How to leave
the Society.

SECT. 4. *Be it further enacted*, That *James Malcom*, Esq. and *Samuel Brown*, Esq. or either of them, be, and he is hereby authorized to issue his warrant, directed to some principal member of the said Baptist Society, requiring him to notify all the members thereof, qualified to vote in parish affairs, to assemble at some suitable time and place mentioned in said warrant, to choose all such officers as parishes by law are authorized or required to choose in the month of *March* or *April* annually.

[This Act passed June 22, 1803.]

An ACT declaring and confirming the Incorporation of the Proprietors of the New-South Meeting- House in Boston.

SECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That all persons who now are, or who may hereafter be the Proprietors of the pews in the Congregational meeting-house situate in *Summer-Street*, in *Boston*, be, and they are hereby declared and confirmed to be a Body Politic and Corporate by the name of *The Proprietors of the New-South Meeting-House in Boston*: And the said Corporation shall be and hereby are deemed in law to be seized of the same meeting-house,

The Proprietors of the pews determined to be a Body Corporate.

ing-house, with all the lands under, adjoining and belonging to the same, with the privileges and appurtenances; excepting, however, to the several Proprietors of the pews in said meeting-house, their right to and interest in the said pews respectively.

Annual meet-
ings to be held. Officers to be
chosen. SECT. 2. *And be it further enacted by the authority aforesaid,* That the said Proprietors shall meet annually at the said meeting-house on the first Wednesday in May, and at such other times there as they may be duly notified in manner hereafter mentioned: And at said annual meeting, after having chosen a Moderator, shall choose a Clerk, Treasurer, and a Committee consisting of seven persons, and Assessors not exceeding six persons, who shall all continue in office during the year, and until others are chosen in their room: *Provided however, If,* for any cause, the said annual meeting should not be holden, then the said officers may be chosen at any other meeting duly notified for that purpose.

Duty of Clerk. Power of the
Committee. SECT. 3. *And be it further enacted,* That the said Clerk shall be sworn to the faithful discharge of the duties of his office; and it shall be his duty to record all the votes and all the proceedings of the said Proprietors, and of the said Committee, and of the Assessors aforesaid, in separate books, to be kept by him for that purpose: And the said Committee, or a major part of them, shall have full power to manage all the prudential affairs of the said Proprietors, in the same and in as ample a manner as parish committees are authorized by law to manage the prudential affairs of parishes, and to notify any Proprietors' meeting, by posting up a notification at the door of said meeting-house three days, at least, before the time of holding the same; and shall also be *ex officio* Assessors of the said Proprietors, in conjunction with such other Assessors as may be chosen.

Proprietors en-
titled to privi-
leges, bound by
contracts, em-
powered to
make further
contracts, &c. SECT. 4. *And be it further enacted,* That the said Proprietors shall be entitled to all the privileges they have heretofore in fact enjoyed, and shall be bound by all the contracts they have heretofore in fact entered into, as well with their present minister as with others, and subject to all the duties they have heretofore in fact been subject to: And the said Proprietors are also empowered from time to time to make such further contracts, and raise such sums of money annually, as they shall judge necessary for the maintenance and support of the public worship of God, for the repairs or alteration of said meeting-house, and making any reasonable addition to the salary of their present or any future Minister, and for other parochial and incidental charges; and all monies so raised by the said Proprietors, shall be paid annually, or by instalments, at such times and in such proportions as said Proprietors shall direct.

SECT.

SECT. 5. *And be it further enacted,* That all monies, raised by the said Proprietors for the purposes aforesaid, shall be assessed by the said Committee and Assessors jointly, or by the major part of them, upon the several Proprietors of the pews in said meeting-house, one half of such assessments according to the relative value of the said pews, regard being had to their situation and convenience, and the other half according to the relative values of the rateable estates, real and personal, of the said Proprietors, according to the best judgment and discretion of said Committee and Assessors; and shall make out a list of such assessment, stating the names of the Proprietors, and the numbers of the pews, and times of payment, and of the instalments by which the payments are to be made, if any, certified by the Clerk, and deliver the same to the Treasurer for the time being, who shall thereupon make out, under his hand, a bill of each Proprietor's assessment, and of the time or times of payment, and cause the same to be left in his pew, of which fact the oath of the Treasurer shall in all cases be sufficient evidence: And if any Proprietor shall be in arrear in the payment of said tax, or of any part thereof, to the Treasurer, for the space of three months, the Treasurer shall certify the same in writing to the said Committee, who are hereby authorized to sell the said pew at public auction, to the highest bidder, and to execute to him a good deed thereof: *Provided* the time and place of sale be published in one of the *Boston* newspapers, three weeks successively, previous to the sale: *And provided* the tax, or so much as shall be in arrear, together with the charges of publication, be not paid before the time of sale: And the Committee, after deducting from the proceeds of the sale, in case they do not exceed the sum originally paid by the said Proprietor, his ancestor or devisor, for said pew, and in case they do exceed that sum, then from the amount of the original consideration money, the charges of said sale, and the tax in arrear, and all other sums before that time assessed on such delinquent Proprietor, and not paid, including any future instalments, assessed, but not due, shall pay the remainder, if any, to such Proprietor or his order: *Provided always,* That the excess of the proceeds of such sale above the sum originally paid by said Proprietor, his ancestor or devisor, for said pew, shall be the property of the Proprietors of said meeting-house, subject to no deduction whatsoever.

Assessments how to be made, & mode of collection prescribed.

Pews of delinquent Proprietors to be sold, and the disposal of the proceeds directed.

SECT. 6. *And be it further enacted by the authority aforesaid,* That if any of the officers aforesaid shall die or resign during the year for which they were chosen, other persons may be elected in their room for the remainder of the year at any meeting of the Proprietors, to be notified by a major part of the

Case of the death or resignation of an officer.

the Committee ; but in all cases where there is but one of the Committee in office, he shall have sufficient authority to call any meeting of the Proprietors.

SECT. 7. *And be it further enacted by the authority aforesaid,* That no Proprietor of any pew shall have liberty to sell the same unless he first give notice of his intention to the Committee, or some one of them, in writing ; and if the Committee, or some one of them, shall, within thirty days after such notice, pay or tender to such Proprietor the full sum originally paid by such Proprietor, or by his ancestor or deviser, under whom he claims, deducting therefrom all such sums of money as shall have been assessed on said Proprietor, and are unpaid, then such pew, from the time of such payment or tender, shall become the property of the Proprietors ; but if no such payment or tender shall be made within thirty days, then such Proprietor may sell and dispose of his pew at his pleasure : And all pews which now are or at any time hereafter may be the property of the said Proprietors, may be conveyed by the major part of said Committee by their deed, for the benefit of said Proprietors, subject, however, to such regulations as may be made from time to time by said Proprietors : And all deeds executed by said Committee shall express the condition aforesaid, on which the purchaser shall take such pew : And all deeds of the several pews in the said meeting-house shall be recorded by the Clerk of said Proprietors, in a book to be kept by him particularly for that purpose, for which he shall receive *twenty-five cents*, and no more.

Committee to have the preference when pews are to be sold.

Deeds to be recorded, &c.

Persons authorized call the meeting.

SECT. 8. *And be it further enacted by the authority aforesaid,* That *Henry Hill, Daniel Bates, and Joseph Field*, or any two of them, may cause the first meeting of said Proprietors to be called, for the purpose of choosing the officers of said Proprietors for the year ensuing, and for any other purpose specified in a notification by them to be posted up at the door of said meeting-house, giving notice of the time and place of said meeting, and also by causing the same to be notified to said Proprietors, after divine service, on the Sabbath preceding the day appointed for said meeting.

[This Act passed June 23, 1803.]

An ACT to establish a Corporation for the Purpose of diking a certain Tract of Marsh in the Town of Scarborough.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *Robert Southgate, John M. Milliken, Nathaniel*

Nathaniel Seavy, Simeon Fitts, Isaac Dearing, Jeremiah Dearing, Isaac Dearing, jun. John Dearing, Thomas Seavy, William Seavy, and Joseph Milliken, being the sole owners of the aforesaid tract of marsh, together with their associates, and such others as may hereafter associate with them, and their successors, shall be a Corporation by the name of *The Second Scarborough Dike Corporation*, with all the powers and privileges incident to similar Corporations, for the purpose of making and keeping in repair a dike-wall on said marsh, to commence at the north-west corner of *Nathaniel Seavy's* diked marsh, near the *New River*, so called; and from thence running up said *New River*, on its southern bank, and on the southern bank of the main river, to the landing-point marsh; thence crossing over said point and the main river by a dam and gates, about six rods above the bridge, to the west bank of said river; thence running down the river on the western bank to the upland now used as a common landing-place.

Names of persons incorporated.

Boundaries of the marsh.

SECT. 2. *And be it further enacted*, That the said *Robert Southgate* and others, Proprietors of the marsh aforesaid, their heirs and assigns, be, and they hereby are authorized and empowered to raise by an assessment or tax, to be made and levied on all the Proprietors of said marsh, lying within the dike to be made as aforesaid, according to the proportion of interest they severally hold therein, such sums or sum of money for defraying the charges of making, repairing and maintaining the said dike-wall, dam and gates as aforesaid, as shall be agreed upon by said Proprietors, their heirs and assigns, or a major part of them, as shall be assembled at any legal meeting to be called for that purpose; and said Proprietors shall be subject to compensate the owners of any marsh on which said wall shall be built, or which shall be cut up for the purpose of building or keeping the same in repair: And if any of the Proprietors of said marsh shall neglect or refuse to pay the sum or sums of money duly assessed on him therefor, for the space of three months after such money shall have been voted, and for the space of one month after his assessment shall have been shewn him, or a copy thereof left at his usual place of abode, then the said Proprietors are hereby fully authorized and empowered, from time to time, to sell and convey at public vendue, to the highest bidder, so much of such delinquent Proprietor's part of said marsh as will be sufficient to satisfy and pay the sum or sums assessed as aforesaid, and all reasonable charges attending said sale; notice of such sale, and of the time and place thereof, being given by posting an advertisement thereof in some public place in the town aforesaid, and by advertizing the same in one of the newspapers printed in *Portland*, six weeks, at least, before the time of such sale; and the said Proprietors may, by their Clerk, execute a

Money to be raised to make, repair & maintain the dike, &c.

The parts of the marsh belonging to delinquent Proprietors may be sold.

good

June 23, An. 1803.

good deed or deeds of conveyance of the said marsh so sold unto the purchaser thereof: *Provided nevertheless*, That the Proprietor or Proprietors whose share or part of said marsh shall be sold as aforesaid, shall have liberty to redeem the same at any time within one year after such sale, by paying the sum such share or part of said marsh sold for, and charges, together with a further sum at the rate of *six dollars per annum* for every *hundred dollars* produced by such sale; and so in proportion for a greater or less sum.

Where and
when the first
meeting is to
be held.

SECT. 3. *And be it further enacted*, That the first meeting of said Proprietors shall be held at the house of *John M. Milliken*, innholder in said *Scarborough*, on the third Monday of *July* next, at two o'clock in the afternoon, for the purpose of choosing a Clerk and such other officers as may then and there be agreed upon, who shall be sworn to the faithful discharge of the duties of their respective offices: And the said Corporation may then and there establish other necessary rules and regulations for the better management of its affairs, for which purpose they are hereby invested with all the powers appertaining to Proprietors of general fields: And the said Corporation may then and there agree upon a method for calling future meetings.

[This Act passed June 23, 1803.]

An ACT to incorporate certain Proprietors of Meadow-Land lying on *Neponset River*, within the Town of *Canton*, for the Purpose of fencing, improving and better managing the same.

Boundaries.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this Act, all the Proprietors of certain meadow-land lying in *Canton*, bounded as follows: Beginning at the south-east corner of *Elijah Dunbar's* meadow, at *Musshapog River*; thence down said river till it comes to the meadow of *John Ellis*; thence by said *Ellis's* meadow on the line that runs between said *Ellis* and *Lemuel Bent*, to a great ditch; thence northerly by said ditch till it comes to the ditch north of the meadow owned by *Capt. William Bent*; thence easterly on said ditch till it comes to the ditch by *White's Swamp*, so called; thence southerly by a ditch in the westerly side of *Jacob Shepperd's* meadow to the end of said ditch; thence easterly, between the meadow of *Lewis Morse* and land formerly owned by *Henry Morse*, deceased, to the upland; thence by the upland, as the fence now stands, to the river first mentioned, be, and they hereby are incorporated into a Body Politic by the name of

150

of *The Proprietors of the Common Meadow in Canton*; and by that name may sue and be sued, and do and suffer all matters, acts or things which Bodies Politic may or ought to do and suffer.

SECT. 2. *And be it further enacted*, That any Justice of the Peace in the county of *Norfolk*, be, and he hereby is empowered and directed, upon application in writing from five or more of said Proprietors, to issue his warrant to one of the Proprietors aforesaid, requiring him to notify and warn a meeting of said Proprietors, at such time and place as he shall judge most convenient, and for the purposes to be expressed in said warrant, by posting up copies of said warrant, with the notification thereon, at the several houses of public worship in the towns wherein said Proprietors reside, fourteen days at least before the time for holding said meeting; and the said Proprietors, when legally assembled as aforesaid, shall have power to choose a Clerk, Committee, Assessors, Collector or Collectors of taxes, and Treasurer, who shall be sworn to the faithful discharge of the trust reposed in them, and continue to serve until others are chosen and sworn in their room, which may be as often as said Corporation shall judge necessary; which officers, chosen and sworn as aforesaid, shall have the same power to perform, execute and carry any vote or order of said Corporation into full effect as town officers of like description have by law to do and perform in their respective offices: And said Corporation shall at their first meeting agree and determine upon a method for calling future meetings: And said Corporation shall at their first meeting, or at any future meeting legally called for that purpose, have power to vote and raise monies for the purpose of fencing, improving and better managing their said common property, and for carrying the votes and orders of said Corporation into effect; and all monies which may be voted to be raised as aforesaid, shall be assessed upon each Proprietor in the meadows aforesaid, in proportion to the number of acres he or she owns thereof: And if any Proprietor shall refuse or neglect to pay the sum or sums assessed upon him or her as aforesaid, after sixty days notice, so much of his or her meadow land shall be sold as will be sufficient to pay the same, together with legal costs, in the same way and manner as non-resident Proprietors' lands in this Commonwealth are sold to pay taxes.

Justices of the Peace to issue warrants for Proprietors' meeting.

Officers may be chosen.

Monies may be raised.

Members may be admitted.

SECT. 3. *Be it further enacted*, That any person or persons who own meadows adjoining said Common Field, may be admitted by a majority of the votes of said Corporation as members, and be subject to all the duties and enjoy all the privileges of this Corporation.

[This Act passed June 23, 1803.]

An

An ACT to establish a Corporation by the Name of
The Wiscasset and Woolwich Turnpike Corporation.

Names of persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Samuel Adams, Jeremiah Baily, Jonathan Bowman, jun. Alden Bradford, Joseph Christophers, John Glidden, Silas Lee, Thomas Nickels, David Payson, jun. William Pike, Henry Roby, Samuel Sevey, and Abiel Wood, together with such others as may hereafter associate with them, and their successors or assigns, shall be a Corporation by the name and style of The Wiscasset and Woolwich Turnpike Corporation, with all the powers and privileges usually given and incident to similar Corporations for making turnpike roads, for the purpose of laying out, making, and keeping in repair a turnpike road, from the court-house in Wiscasset, to the place called Day's Ferry, in Woolwich, upon as straight a line as circumstances will admit: And the said turnpike road shall not be less than four rods wide, and the part to be travelled on not less than twenty-four feet wide in any part thereof: And when the said road shall be sufficiently made, and shall be so allowed and approved by a Committee appointed by the Court of General Sessions of the Peace for the county of Lincoln, for that purpose, (provided that no member of said Committee shall have any share or interest in the said turnpike,) then the said Turnpike Corporation shall be authorized to erect one turnpike gate on the said road, in such place and manner as the said Corporation may judge necessary and convenient for collecting the toll.*

One gate allowed when the road is approved.

Justices of the Court of G. Sessions to lay out the road.

SECT. 2. *And be it further enacted, That the said Corporation may purchase and hold land over which they may make the said road; and the Justices of the Court of General Sessions of the Peace in the county of Lincoln are hereby authorized, on the application of the said Corporation, to lay out the said road, or any part thereof, as they, with the consent of the said Corporation, shall think proper: And the said Corporation shall be liable to pay all damages which may arise to any person by taking his land for such road, where the same cannot be obtained by voluntary agreement, to be estimated by a Committee appointed by the Court of General Sessions of the Peace for the said county of Lincoln, saving to either party the right of trial by Jury, according to the law which makes provision for the recovery of damages arising from the laying out of highways.*

SECT. 3. *And be it further enacted, That it shall be lawful for the said Corporation to demand and receive of each traveller or passenger the following rates of toll, viz. For every coach, chariot,*

chariot, phaeton, or other four-wheel carriage, drawn by two horses, *twenty-five cents*, and if drawn by more than two horses, an additional sum of *four cents* for each horse; for every cart or waggon, drawn by two oxen or horses, *ten cents*, and if drawn by more than two oxen or horses, an additional sum of *three cents* for each ox or horse; for every curricule, *fifteen cents*; for every chaise, chair or other carriage, drawn by one horse, *twelve and a half cents*; for every man and horse, *six cents and a quarter*; for every sled or sleigh, drawn by two oxen or horses, *eight cents*, and if drawn by more than two oxen or horses, an additional sum of *two cents* for each ox or horse; for every sled or sleigh, drawn by one horse, *six cents and a half*; for all horses, mules, oxen or neat cattle, led or driven, beside those in teams or carriages, *one cent* each; and for all sheep and swine, at the rate of *three cents* by the dozen, and in that proportion for a greater or lesser number: *Provided however*, That the said Corporation may, if they see cause, commute the rate of toll with any person or persons, or with any Corporation, by taking of him or them a certain sum annually, to be mutually agreed on in lieu of the toll aforesaid: And the said Corporation shall, at each place where the toll shall be collected, erect in some conspicuous place, and constantly keep exposed to open view, a sign or board, with the rates of toll of all the tollable articles fairly and legibly written thereon in large or capital characters.

A sign-board
to be erected.

SECT. 4. *And be it further enacted*, That if any person shall cut, break down or otherwise injure or destroy either of the said turnpike gates, or shall dig up or carry away any earth from the said road, or in any other manner damage the same, or shall forcibly pass, or attempt to pass the said gate by force, with an intent to avoid the payment of the legal toll at such gate, such person shall forfeit and pay a fine not exceeding *ten dollars* nor less than *five dollars*, to be recovered by the Treasurer of the said Corporation to their use, in an action of trespass or on the case: And if any person with his team, cattle or horse, turn out of the said road to pass the said turnpike gate, and again enter on the said road, with intent to evade the toll due by virtue of this Act, such person shall forfeit and pay *two dollars*, to be recovered by the Treasurer of the said Corporation, to the use of the same, in an action of debt, or on the case: *Provided however*, That nothing in this Act shall extend to entitle the said Corporation to demand or receive toll of any person who shall be passing on foot, or with his horse or carriage to or from public worship, or with his horse, team or cattle, to or from his common labour on his farm, or to or from any grist-mill, or on the common and ordinary business of family concerns, or from any person or persons passing on military duty.

Penalty for
injuring the
gates or road.

Exemptions
from toll.

SECT.

Penalty for de-
laying passen-
gers or ex-
acting illegal
toll.

Corporation li-
able for dama-
ges by defect
of bridges.

Shares deemed
personal estate,
and mode of
transfer and
attachment
prescribed.

An account of
the expenses &
income to be
exhibited.

SECT. 5. *And be it further enacted*, That if the said Corporation, or their toll-gatherer, or others in their employ, shall unreasonably delay or hinder any traveller or passenger, or shall demand or receive more toll than is by this Act established, the said Corporation shall forfeit and pay a sum not exceeding *ten dollars* nor less than *two dollars*, to be recovered before any Justice of the Peace of the county where the offence shall be committed, by any person injured, delayed or defrauded, in a special action of the case; the writ in which shall be served on the said Corporation, by leaving a copy of the same with the Treasurer, or with some individual member living in the county of *Lincoln*, or by reading the same to the said Treasurer, or individual member, at least seven days before the day of trial; and the said Treasurer, or individual member, shall be allowed to defend the same suit in behalf of the said Corporation: And the said Corporation shall be liable to pay all damages which may happen to any person from whom the toll is demandable, for any damage which shall arise from defect of bridges or want of repairs in the said way; and shall also be liable to presentment by the Grand Jury, for not keeping the same in good repair.

SECT. 6. *And be it further enacted*, That the shares in the same turnpike road shall be taken, deemed and considered to be personal estate, to all intents and purposes, and shall and may be transferable; and the mode of transferring the said shares shall be by deed, acknowledged before any Justice of the Peace, and recorded by the Clerk of the said Corporation, in a book for that purpose to be provided and kept: And when any share shall be attached on *mesne process*, or taken in execution, an attested copy of such writ of attachment or execution shall, at the time of the attachment or taking in execution, be left with the Clerk of the said Corporation, otherwise the attachment or taking in execution shall be void; and such shares may be sold on execution in the same manner as is or may by law be provided for making sale of personal property on execution; and the officer making the sale, or the judgment creditor, leaving a copy of the execution, and the officer's return on the same, with the Clerk of the said Corporation, within fourteen days after such sale, and paying for the recording of the same, shall be deemed and considered as a sufficient transfer of such share or shares in the said turnpike road.

SECT. 7. *And be it further enacted*, That the said Corporation shall, within six months after the said road is completed, lodge in the Secretary's office an account of the expenses thereof; and that the said Corporation shall annually exhibit to the Governor and Council a true account of the income or dividend arising from the said toll, with their necessary annual disbursements on the said road; and that the books of the said Corpora-
tion

tion shall at all times be subject to the inspection of a Committee to be appointed by the General Court, or to the inspection of the Governor and Council when called for.

SECT. 8. *And be it further enacted,* That whenever any Proprietor shall neglect or refuse to pay any tax or assessment, duly voted and agreed upon by the Corporation, to their Treasurer, within sixty days after the time set for the payment thereof, the Treasurer of the said Corporation is hereby authorized to sell at public vendue the share or shares of such delinquent Proprietor, one or more, as shall be sufficient to defray the said taxes and necessary incidental charges, after having given public notice of such sale in the newspaper printed at *Wiscasset*, the sum due on any such shares, and the time and place of sale, at least thirty days previous to the time of sale; and such sale shall be a sufficient transfer of the share or shares so sold, to the person purchasing the same; and on producing a certificate of such sale, from the Treasurer to the Clerk of the said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the books of the said Corporation, and such person shall be considered to all intents and purposes the Proprietor thereof; and the overplus, if any there be, shall be paid on demand, by the Treasurer, to the person whose shares were so sold.

The shares of delinquents may be sold, & the mode prescribed.

SECT. 9. *And be it further enacted,* That the General Court may dissolve the said Corporation, whenever it shall appear to their satisfaction, that the income arising from the said toll shall have fully compensated the said Corporation for all monies they may have expended in purchasing, repairing and taking care of the said road, together with an interest thereon at the rate of *twelve per cent.* by the year; and thereupon the property of the said road shall be vested in this Commonwealth, and be at the disposal of the Legislature thereof: *Provided however,* That if the said Corporation shall neglect to complete the said turnpike road for the space of seven years from the passing of this Act, the same shall be void and of no effect.

The Corporation may be dissolved when indemnified.

SECT. 10. *And be it further enacted,* That the first meeting of the said Corporation shall be held at such time and place as shall be agreed on by the major part of the Proprietors, for the purpose of choosing a Clerk, who shall be sworn to the faithful discharge of the duties of his said office, and such other officers as may then and there be agreed on by the said Corporation; and the said Corporation may at the same time establish such rules and regulations as shall be judged necessary for the well-ordering of its affairs, and also upon a method for calling future meetings: *Provided,* That such rules and regulations shall in no case be repugnant to the Constitution and laws of this Commonwealth.

A Clerk and other officers to be chosen.

[This Act passed *June 23, 1803.*]

An.

An ACT to incorporate *Samuel Page*, and others, for the Purpose of establishing an Iron Manufactory, and other Purposes therein mentioned.

Preamble.

WHEREAS *Samuel Page*, *Thomas Putnam*, *Caleb Oakes*, *Samuel Indecott*, *John Page*, *Hezekiah Flint*, and others, have associated themselves together for the purposes of building and keeping in repair a stone bridge over *Porter's River*, so called, between *Beverly* and *Danvers*, in the county of *Essex*, in the highway there, lately laid out, and of erecting and using iron or other works there forever, have subscribed to a fund for the said purposes, and have petitioned this Legislature for an Act of incorporation: And whereas the said bridge on a public highway leading to *Salem*, to be connected with said works, will be of public utility: Therefore,

Names of persons incorporated.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said *Samuel Page*, *Thomas Putnam*, *Caleb Oakes*, *Samuel Indecott*, *John Page*, and *Hezekiah Flint*, and all such persons as are or shall be associated with them, and interested in said fund, and their successors, shall be a Corporation, by the name of *The Danvers and Beverly Iron-Works Company*; and shall by that name sue and be sued, plead and be impleaded, prosecute and defend to final judgment and execution, in all actions and processes, as other Bodies Politic may do; and shall have a common seal, with power to alter the same at pleasure.

Persons authorized to call Proprietors' meeting.

SECT. 2. *Be it further enacted,* That the said *Samuel Page*, *Thomas Putnam*, *Caleb Oakes*, *Hezekiah Flint*, or any three of them, may, by advertisement in the *Salem Gazette*, or in any other newspaper printed in *Salem*, call a meeting of the said Proprietors, to be holden at any suitable time and place after seven days from the publication of the said advertisement; and the said Proprietors, by a vote of the majority of those present or represented at the said meeting, (in all cases accounting and allowing a vote to each single share,) shall choose a Clerk, who shall be sworn to the faithful discharge of his duty; and also shall agree on a method for calling future meetings; and at the same or at any subsequent meeting may make and establish any rules and regulations that shall be necessary and convenient for regulating the said Corporation, and for executing the purposes aforesaid; and the same rules and regulations may cause to be kept and executed, or for the breach thereof may order and enjoin fines and penalties, not exceeding *ten dollars* for the breach thereof, *provided* such rules and regulations are not repugnant to the Constitution and laws of this Commonwealth: And the said Proprietors may

may also choofe and appoint any other officer or officers, agents or factors of the faid Corporation that they may deem neceffary: And all representations at any meeting fhall be proved in writing, figned by the perfon making the fame, which fhall be filed with and recorded by the Clerk; and this Act, and all rules, regulations and votes of the faid Corporation fhall be fairly and truly recorded by the faid Clerk in a book or books for that purpofe provided and kept; but no one Proprietor in the faid Corporation fhall have more than fifteen votes.

The neceffary officers to be choſen.

SECT. 3. *Be it further enacted,* That the faid Corporation is hereby authorized to purchafe and hold real eftate, under and adjacent to faid bridge, to the amount of *thirty thouſand dollars*, to build a bridge of ftone thirty-two feet wide at leaſt, with railing on each fide four feet high, and keep the fame in repair; and to erect and uſe forever an iron-manufactory, and any other mill or mills, works or buildings on the faid river and near thereto, convenient for ſuch iron-manufactory, or for carrying on any other uſeful manufacture, which fhall appear to the faid Proprietors to be for their benefit; and to hold ſuch perſonal eftate as fhall be actually employed therein, *provided* the fame fhall not exceed the value of *three hundred thouſand dollars*; and the property of the faid Corporation fhall be divided into two hundred ſhares, and fhall be numbered as the faid Corporation fhall direct; the faid ſhares fhall be deemed perſonal eftate, and each Proprietor fhall have a certificate or certificates, as evidence of his faid ſhare or ſhares, under the ſeal of the Corporation, and figned by the Treafurer.

Amount of real eftate allowed to be held.

— of perſonal eftate.

SECT. 4. *Be it further enacted,* That the ſhares in faid Corporation fhall be transferable by deed duly acknowledged before any Juſtice of the Peace, and recorded by the Clerk of the faid Corporation in a book to be kept for that purpoſe; and when any ſuch ſhare fhall be attached on *meſne proceſs*, or taken in execution, an attested copy of ſuch writ of attachment or execution fhall, at the time of the attachment or taking in execution, be left with the Clerk of the faid Corporation, otherwiſe the attachment or taking in execution fhall be void; and ſuch ſhares may be taken and ſold by execution in the ſame manner as other perſonal eftate; and the officer or judgment creditor leaving a copy of ſuch execution, with the return thereon, with ſuch Clerk, within fourteen days after ſuch ſale, and paying for the recording thereof, fhall be deemed a ſufficient transfer of the ſame; and the name of the purchaſer fhall be entered by the Clerk in the books of the Corporation.

Mode of transfer and attachment.

SECT.

The shares of delinquents to be sold, & the mode directed.

SECT. 5. *Be it further enacted*, That whenever any Proprietor shall neglect or refuse to pay any tax or assessment, duly voted and agreed upon by the said Corporation, to their Treasurer, within thirty days after the time set for the payment thereof, the Treasurer of the said Corporation is hereby authorized to sell at public vendue, one or more share or shares of such delinquent Proprietor, as shall be sufficient to defray said taxes and necessary incidental charges, after duly notifying in one newspaper printed in *Salem*, and the one printed in *Boston* by the printers of the General Court, the sum due on such shares, and the time and place of sale, at least thirty days previous to the time of sale; and such sale shall be a sufficient transfer of such share or shares so sold to the person purchasing the same; and on producing a certificate from the Treasurer to the Clerk of the said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the books of the Corporation, and such person shall be considered to all intents the Proprietor thereof; and the overplus, if any there be, shall be paid on demand by the Treasurer to the persons whose shares were then sold: And

When new certificates are to be issued.

whenever any share or shares shall be transferred, by execution or sale for taxes as aforesaid, the purchaser shall be entitled to certificates in the form aforesaid; and whenever, on the death of any Proprietor, his or her share or shares shall by law be transferred to his executors or administrators, or by the settlement of his or her estate in the probate office, to his or her heirs or legatees, the names of the persons thus becoming Proprietors, with their number of shares, shall be entered as aforesaid, by the said Clerk, and they be entitled to their certificates in the form aforesaid, on their filing with him such evidence as shall satisfy the Directors of the said Corporation of such transfer.

Any of the property of an individual member may be attached in certain case.

SECT. 6. *And be it further enacted*, That in any action to be brought, or in any judgment to be rendered against said Corporation, if the said Corporation, after seven days notice, and request to the President, Secretary, or any two of the Proprietors, shall neglect or refuse to expose any estate or property which may be attached on *mesne process*, or whereon any such execution may be levied, the plaintiff in such action shall have a right to levy his execution upon or to attach any of the property of the individual members of the Corporation, in the same manner as if the action had been brought or judgment entered against them in their individual capacity.

This Act may be given in evidence.

SECT. 7. *Be it further enacted*, That this Act shall so far be deemed a public Act, that the same may be given in evidence in any trial or judicial proceedings without specially pleading the same.

[This Act passed June 23, 1803.]

An

An ACT empowering *Robert Houston*, and others, to build a Sluice on *Goos River*, in the Town of *Belfast*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Robert Houston, Caleb Smith, Solon Stephenson, Tolford Durham, John Haskell, Appoles Alden, Asbel Goddard, Jonathan Wilson, Thomas Tufts, William Tufts, Jesse Sturtevant, James Nesmith, Thomas Knowlton, James Moor, Charles Curtis, together with such others as may hereafter associate with them, and their heirs and assigns, be, and they are hereby empowered, within the term of three years from the passing of this Act, to build a Sluice from or near Stimson's Mills, so called, in Goos River, to the tide-waters in the mouth of the same, to the most convenient place and on the most convenient direction for shipping or delivering the lumber, timber, spars, and all other commodities which they may, from time to time, want to convey through the said Sluice; to clear the pond and river above Stimson's Mills, as aforesaid, of every obstruction that may any ways impede the passage of boats or rafts; to build locks where necessary, so as to render the whole river navigable; to take, use, occupy, possess and enjoy, in fee simple, any lands or waters necessary to carry into effect and to complete the same, they paying therefor in manner hereafter prescribed.*

Names of persons incorporated.

Sluice to be built at the most convenient place.

SECT. 2. *And be it further enacted, That to enable the Proprietors aforesaid more effectually to carry into execution the purposes of this Act, they shall be, and hereby are made a Corporation and Body Politic by the name of The Proprietors of the Belfast Sluice; and by that name may sue and be sued, defend and be defended, prosecute and be prosecuted to final judgment and execution; and shall have a common seal; and do and suffer all other matters and things, and be vested with all powers and privileges which are usually incident to similar Corporations.*

Corporate name.

SECT. 3. *And be it further enacted, If any person or persons shall suffer any damage by means of the said locks or sluices, and the parties cannot agree upon the amount of the damage thus occasioned, nor upon some suitable person or persons to estimate the same, then, and in such case, some disinterested person or persons shall be appointed by the Court of General Sessions of the Peace, or by two Justices of the quorum for the county of Hancock, and the determination of the referees so appointed shall be the measure of such damage: Provided nevertheless, That if either party shall be dissatisfied with the award of the referees aforesaid, and shall, at the same*

Case of persons suffering damage by means of the locks or sluices.

same session at which the report shall be made, apply to the Court for a trial by Jury, the said Court shall have power to determine the same by Jury, in the same manner other causes are determined; and if the verdict of the Jury shall not give to the party applying, a larger sum than the referees have awarded as aforesaid, then the Court shall award cost against the party applying; but if the last decision shall be more favourable to the party applying than the decision of the referees, then the Court shall render judgment, and direct execution to issue thereon accordingly.

Case of persons
wilfully de-
stroying any of
the works, &c.
SECT. 4. *And be it further enacted*, That if any person or persons shall wilfully and maliciously take up, remove, break down, dig under, or in any way or manner destroy any of the works in any way belonging to the sluice or locks, or shall divert or obstruct the waters, to the damage of the Proprietors aforesaid, the person or persons so offending shall pay treble the value of such damage as the Proprietors aforesaid shall, to the Justices or Court and Jury before whom the trial shall be held, make to appear that they have sustained by the means of the same trespass, to be sued for and recovered in any Court proper to try the same.

A toll estab-
lished.
SECT. 5. *And be it further enacted*, That for the purpose of reimbursing to the said Proprietors the monies by them to be expended in building and supporting the same sluice and locks, a toll be, and hereby is granted and established for the benefit of the said Proprietors and their heirs and assigns, according to the rates following, viz. For every thousand feet of boards conveyed through the same, *fifty cents*; for every ton of timber, *twenty cents*; for all other timber in the same proportion, and at the same rate; for clapboards, *fifty cents* per thousand; for shingles, per thousand *six cents*; for hogthead staves *sixty-six cents* per thousand; and all other lumber in the same proportion.

Toll demand-
able on the com-
pletion of the
sluice.
SECT. 6. *And be it further enacted*, That as soon as the said sluice is completed, the Proprietors shall have power to recover the toll as aforesaid on all the several articles as they pass, and to retain them or any part of them if payment should be refused.

Justice of the
Peace author-
ized to call a
Proprietors'
meeting.
SECT. 7. *And be it further enacted*, That upon the application of the said Proprietors, or any three of them, to a Justice of the Peace of the county of *Hancock*, requesting him to call a meeting of the said Proprietors, to be holden at some convenient place in the town of *Belfast*, in the same county, such Justice is hereby empowered to issue his warrant directed to one of said Proprietors, requesting him to notify and warn his associates to meet at such time and place in said town of *Belfast* as shall be described in said warrant, who, when met,

met, may agree upon a method for calling future meetings of the said Proprietors, and consult upon and do such other affairs of the Propriety as shall be expressed in the said warrant.

SECT. 8. *Be it further enacted by the authority aforesaid,* That this Act shall continue in force for the term of thirty years, and no longer, unless it shall appear to the General Court that the Proprietors of said sluice-way have not received a reasonable indemnity for erecting and taking care of the same.

Duration of this Act.

[This Act passed *June 23, 1803.*]

An ACT in addition to the Act, entitled, "An Act to establish *The Twelfth Massachusetts Turnpike Corporation.*" *June 19, 1801.*

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *The Twelfth Massachusetts Turnpike Corporation* be, and they are hereby authorized and empowered to lay out and make a turnpike road on the route hereinafter described: Beginning at a point, upon the Twelfth *Massachusetts Turnpike Road*, east of, and contiguous to the dwelling-house of *Gideon Post*; thence running in a direct line to the county road, where it passes the dwelling-house of *Allen Peas*; thence on the county road to the line dividing the States of *Connecticut* and *Massachusetts*; and to keep the same in repair: Which road shall be not less than four rods wide, and the path to be travelled on not less than twenty feet wide: And the said Corporation may purchase and hold land over which said road shall be made: And the Justices of the Court of General Sessions of the Peace within and for the county of *Berkshire*, are hereby authorized, on application of said Corporation, to lay out such road, or any part thereof, as, with the consent of said Corporation, they shall think proper: And the said Corporation shall be liable to pay all damages that shall arise to any person by taking his land for such road, when the same cannot be obtained by voluntary agreement, to be estimated by a Committee of the Court of General Sessions of the Peace in said county, saving to either party the right of trial by Jury, according to the law which makes provision for the recovery of damages arising from the laying out of highways.

Route of the road prescribed.

Corporation to pay damages for land taken.

SECT. 2. *Be it further enacted,* That when said turnpike road shall be sufficiently made and allowed and approved by the Justices of the Court of Common Pleas for said county of *Berkshire*, or by a Committee by them appointed for that purpose,

New rates to
be established.

pose, the said Corporation, in lieu of the rates of toll specified in the Act to establish *The Twelfth Massachusetts Turnpike Corporation*, shall be entitled to receive at the turnpike gate established at the Lower Bennet Bridge Place, for each traveller and passenger the following rates of toll, viz. For every coach, chariot, phaeton, or other four-wheel carriage, drawn by two horses, *twenty-five cents*, and if drawn by more than two horses, an additional sum of *four cents* for each additional horse; for every cart or waggon, drawn by two oxen or horses, *ten cents*, and if drawn by more than two, an additional sum of *three cents* for every such ox or horse; for every curricule, *fifteen cents*; for every chaise, chair or other carriage, drawn by one horse, *twelve cents and five mills*; for every man and horse, *four cents*; for every sled or sleigh, drawn by two oxen or horses, *seven cents*, if drawn by more than two oxen or horses, an additional sum of *two cents* for every such ox or horse; for every sled or sleigh, drawn by one horse, *five cents*; for all horses, mules, oxen, or neat cattle, led or driven, besides those in teams and carriages, *one cent* each; for all sheep or swine, *three cents* per dozen, and in that proportion for a greater or less number: *Provided*, That no toll shall be taken from any who are exempted therefrom by an Act, entitled, "An Act to establish *The Twelfth Massachusetts Turnpike Corporation*," to which this Act is an addition.

The new
route considered
part of the
the 12th turn-
pike road.

SECT. 3. *And be it further enacted*, That the route herein described and established as a turnpike road be deemed and taken, to all intents and purposes, as annexed to and part of the *Twelfth Massachusetts Turnpike Road*: And that the said Corporation shall, within six months after the said road shall be completed, lodge in the Secretary's office an account of the expenses of the same; and that all the duties, liabilities and penalties specified or contemplated by the Act to establish *The Twelfth Massachusetts Turnpike Corporation*, have relation to the turnpike road herein established, as fully, completely, and to every intent and purpose, as though the same had been originally part of the said *Twelfth Massachusetts Turnpike Road*, and included in the Act aforesaid, to which this Act is an addition.

Former gate to
be discontinued,
and a new
one erected.

SECT. 4. *And be it further enacted*, That the said Corporation be, and they are hereby authorized and empowered, at any time after the expiration of six months from the time that the said turnpike road shall be allowed and approved, with the approbation and consent of the Court of Common Pleas for said county, to discontinue the turnpike gate at the Lower Bennet Bridge Place, and to erect a turnpike gate at such place on the said *Twelfth Massachusetts Turnpike Road*, between the dwelling-house of Aaron Root and Joseph Goodrich,

as shall be designated by the said Court; and the Court of Common Pleas within and for said county are hereby authorized, by themselves or by a Committee to be by them appointed for that purpose, upon application to them made by said Corporation, after the expiration of six months as aforesaid, to give their consent and approbation for said purposes, and to designate the place within the limits aforesaid for the fixing the said turnpike gate: And in case the said turnpike gate at the Lower Bennet Bridge Place, shall be so discontinued as aforesaid, and a turnpike gate, with the consent and approbation of the said Court of Common Pleas, shall be erected at any place designated by said Court within the limits aforesaid, the said Corporation shall and may be entitled to receive of all passengers and travellers at said turnpike gate, the same rates of toll as are herein before specified and enumerated.

[This Act passed *June 23, 1803.*]

An ACT for establishing a Corporation by the Name of *The North Branch Turnpike Corporation.*

SECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Merick Rice, Moses Hale, Oliver Chapin, Zachariah Whitman, Nathaniel Holmen, jun. Calvin Hale, John Stone, Metapher Chase, Samuel Ward, John Prentiss, and Phineas Whitney, and all such persons as shall associate with them and their successors, shall be a Corporation, by the name of The North Branch Turnpike Corporation; and shall by that name sue and be sued, and enjoy all the privileges and powers which by law are incident to Corporations, for the purpose of laying out and making a turnpike road from the line of the State of New-Hampshire, between Fitzwilliam and Winchendon, to the Fifth Massachusetts Turnpike Road, in Fitchburgh; which road shall not be less than four rods wide, and the travelled way not less than eighteen feet in any place: And that when the turnpike road shall be sufficiently made and approved of by a Committee appointed by the Court of General Sessions of the Peace for the county of Worcester, for that purpose, then the said turnpike Corporation shall be authorized to erect one turnpike gate on A turnpike, said road, and at such place as the said Committee of the Court gate to be erected. of General Sessions of the Peace shall judge convenient for collecting the toll, and shall be entitled to demand and receive of each traveller or passenger at said gate, the following rates of toll, viz. For each coach, phaeton, chariot, or other four-wheel carriage, drawn by two horses, twenty-five cents, and if drawn by more than two horses, an additional sum of six cents and one fourth for each horse; for every cart or waggon, drawn by two oxen*

oxen or horses, *twelve and one half cents* each, and if drawn by more than two oxen or horses, an additional sum of *six cents and one fourth* for each horse or ox; for every curricule, *twenty cents*; for every chaise, chair or sulkey, drawn by one horse, *twelve and one half cents* each, and if drawn by more than one horse, *six cents and one fourth* each; for every sled or sleigh, drawn by two oxen or horses, *ten cents* each, and if drawn by more than two oxen or horses, an additional sum of *four cents* for each ox or horse; for every sleigh, sled or cart, drawn by one horse, *six cents and one fourth* each; for all horses, mules or neat cattle, led or driven, besides those in teams or carriages, *one cent* each; for all sheep or swine, at the rate of *three cents* by the dozen: *Provided also*, That whenever it shall be made to appear to the Committee appointed as aforesaid, the said Corporation have liberty, and are authorized, and do extend and make their road to the north line of the town of *Fitzwilliam*, in the State of *New-Hampshire*, without any gate or toll in said State, they shall then be authorized to erect one more gate on the road in this Commonwealth, at such place as said Committee shall think proper, and receive the rate of toll aforesaid.

Corporation allowed to hold land; and persons whose lands are taken are to be indemnified.

SECT. 2. *And be it further enacted*, That the said Corporation may purchase and hold land over which they may make the said road; and the Justices of the Court of General Sessions of the Peace in the county of *Worcester*, are hereby authorized, on application of said Corporation, to lay out the said road where the said Corporation shall think proper: And the said Corporation shall be liable to pay all damage that shall arise to any person by taking his land for such road, where the same cannot be obtained by voluntary agreement, to be estimated by a Committee to be appointed by the Court of General Sessions of the Peace for the county of *Worcester*, saving to either party the right of trial by Jury, according to the law which makes provision for the recovery of damages arising from the laying out of highways.

Penalty for delaying passengers or taking illegal toll.

SECT. 3. *And be it further enacted*, That if the said Corporation, or their toll-gatherer, or others in their employ, shall unreasonably delay or hinder any traveller or passenger at said gates, or shall demand or receive more toll than is by this Act established, the Corporation shall forfeit and pay a sum not exceeding *ten dollars* nor less than *five dollars*, to be recovered before any Justice of the Peace in the same county, by any person injured, delayed or defrauded, in a special action of the case; the writ in which shall be served on the said Corporation, by leaving an attested copy of the same with the Treasurer, or with some individual member living in the same county, or by reading the same to the said Treasurer, or individual member,

at

at least seven days before the trial; and the Treasurer of said Corporation, or individual member, shall be allowed to defend the same suit in behalf of the said Corporation: And the said Corporation shall be liable to pay all damages that shall happen to any person from whom the toll shall be demandable, for any damage which shall arise from default of bridges, or want of repairs in said way; and shall also be liable to presentment of the Grand Jury for not keeping the same in repair.

SECT. 4. *And be it further enacted,* That if any person shall cut, break down, or otherwise injure or destroy either of the said turnpike gates, or shall dig up or carry away any earth from the said road, or otherwise damage the same in any manner, or shall forcibly pass, or attempt to pass the gate by force, without having first paid the legal toll, shall forfeit and pay a sum not exceeding *fifty dollars* nor less than *five dollars*, to be recovered by the Treasurer of said Corporation to their use, in an action of trespass on the case: And if any person with his team, cattle or horse, shall turn out of the said road to pass any of the turnpike gates, and again enter on the said road, with intent to evade the toll due by virtue of this Act, such person shall forfeit and pay three times so much as the legal toll would have been, to be recovered by the Treasurer of said Corporation to the use of the same, in an action of debt on the case: *Provided*, nothing in this Act shall extend to entitle said Corporation to demand and receive toll of any person who shall be passing with his horse or carriage to or from public worship, or with his horse, team or cattle, to or from his common labour on his farm, or to or from any grist-mill, or on the common and ordinary business of family concerns, or on military duty.

— for wilfully
juring the
gates or road.

Exemptions.

SECT. 5. *And be it further enacted,* That the shares in the said turnpike road shall be taken, deemed and considered to be personal estate to all intents and purposes, and shall and may be transferable; and the mode of transferring said shares shall be by deed acknowledged before any Justice of the Peace, and recorded by the Clerk of said Corporation in a book kept for that purpose: And when any share shall be attached on *mesne process*, or taken in execution, an attested copy of such writ of attachment or execution shall, at the time of the attachment or taking in execution, be left with the Clerk of the Corporation, or otherwise the attachment or taking in execution shall be void; and such share may be sold on execution in the same manner as is or may be by law provided for making sale of personal property by execution; and the officer making the sale, or the judgment creditor, leaving a copy of the execution, with the officer's return on the same, with the Clerk of said Corporation, within fourteen days after such sale, and paying for the recording the same, shall be deemed and considered a sufficient transfer of such share or shares in the said turnpike road.

Shares deemed
personal estate,
and mode of
transfer & at-
tachment pre-
scribed.

SECT.

When and where the first meeting is to be held. **SECT. 6.** *And be it further enacted,* That the first meeting of said Corporation shall be at the house of *Stephen Hoars*, innholder in *Wexminster*, on the sixth day of *July* next, for the purpose of choosing a Clerk, who shall be sworn to the faithful discharge of the duties of his office, and such other officers as may then and there be agreed on by the said Corporation; and the said Corporation may then establish such rules and regulations as shall be judged necessary for the well-ordering its affairs, and also agree upon the method of calling future meetings: *Provided however,* That such rules and regulations are not in anywise repugnant to the Constitution and laws of this Commonwealth.

A statement of the expenses, receipts, &c. to be exhibited. **SECT. 7.** *And be it further enacted,* That the said Corporation shall, within six months after the road is completed, lodge in the Secretary's office an account of the expenses thereof; and that the said Corporation shall annually exhibit to the Governor and Council, a true account of the income or dividends arising from the said toll, with the necessary annual disbursements on said road; and that the books of said Corporation shall at all times be subject to an inspection of a Committee to be appointed by the General Court, or of the Governor and Council when called for.

Shares of delinquents may be sold, & mode prescribed. **SECT. 8.** *And be it further enacted,* That whenever any Proprietor shall neglect or refuse to pay any tax or assessment, duly voted or agreed upon by the Corporation, to their Treasurer, within sixty days after the time set for the payment thereof, the Treasurer of the said Corporation is hereby authorized to sell at public auction, the share or shares of such delinquent Proprietor, one or more, as shall be sufficient to defray the said taxes and necessary incidental charges, after duly notifying in the newspaper printed at such place as shall be highest to the said turnpike road, the sum due on any such share, and the time and place of sale, at least thirty days previous to the time of sale; and such sale shall be a sufficient transfer of the share or shares so sold, to the person purchasing the same; and on producing a certificate of such sale, from the Treasurer to the Clerk of the said Corporation, the name of such purchaser, with the number of shares so sold, shall be entered on the books of said Corporation by the Clerk, and such person shall be considered to all intents and purposes the Proprietor thereof; and the overplus, if any there be, shall be paid on demand, by the Treasurer, to the person whose shares were so sold.

Sign-board to be erected. **SECT. 9.** *And be it further enacted,* That the said Corporation shall, at all places where the said toll shall be collected, erect and keep constantly exposed to view, a sign or board, with the rates of toll of all the tollable articles fairly and legibly written thereon in large capital characters.

SECT.

SECT. 10. *And be it further enacted*, That the General Court may dissolve the said Corporation, whenever it shall appear to their satisfaction, that the income from said toll shall have fully compensated the Corporation for all money they may have expended in purchasing, making, repairing and taking care of said road, together with an interest of *twelve per cent.* by the year; and thereupon the property of said road shall be vested in the Commonwealth, and be at their disposal: *Provided*, That if said Corporation shall neglect to complete said road, for the space of seven years from the passing of this Act, the same shall be null and void.

Corporation
may be dissolved
when in-
demnified, &c.

[This Act passed June 23, 1803.]

An ACT in addition to an Act, entitled, "An Act to incorporate *John Codman*, and others, into a Company by the Name of *The Suffolk Insurance Company*." Feb. 12, 1803.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *The Suffolk Insurance Company* shall be, and hereby are authorized to invest of their capital stock in real estate, and to hold the same, to any amount, not exceeding *fifty thousand dollars*; any thing in the Act to which this is an addition to the contrary notwithstanding.

[This Act passed January 24, 1804.]

An ACT in addition to an Act, entitled, "An Act for incorporating *Woodbury Storer*, and others, by the Name and Style of *The Proprietors of the Cumberland Canal*." June 25, 1795.
— 23, 1804.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the last section of an Act, entitled, "An Act for incorporating *Woodbury Storer*, and others, by the name and style of *The Proprietors of the Cumberland Canal*," be, and the same hereby is repealed. Part of former Act repealed.

SECT. 2. *And be it further enacted*, That if the said Proprietors shall refuse or neglect, for the space of fifteen years from the time of passing the said Act to which this is in addition, to build and complete the Canal authorized by said Act, so as to be passable in the manner therein provided, then the said Act shall be void and of no effect. Time to complete Canal.

[This Act passed January 24, 1804.]

An

An ACT in addition to an Act, entitled, "An Act for incorporating *Joseph Noyes*, and others, by the Name and Style of *The Proprietors of the Falmouth Canal*."

June 25, 1795.
— 23, 1804.

Part of former
law repealed.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the last session of an Act, entitled, "An Act for incorporating *Joseph Noyes*, and others, by the name and style of *The Proprietors of the Falmouth Canal*," be, and the same hereby is repealed.

Time to com-
plete Canal.

SECT. 2. *Be it further enacted*, That if the said Proprietors shall refuse or neglect, for the space of fifteen years from the time of passing the said Act to which this is in addition, to build and complete the Canal authorized by said Act, so as to be passable in the manner therein provided, then the said Act shall be void and of no effect.

[This Act passed January 24, 1804.]

March 7, 1803.

An ACT in addition to, and for repealing the second Section of an Act, entitled, "An Act to authorize *Jesse Dunbar*, and others, Owners of the Mill at *Scituate Harbour*, in the County of *Plymouth*, to erect Dams across *Mill Creek* and *Main Creek*, so called, at said Harbour."

Directions re-
specting flood-
gates and pas-
sage-way.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Jesse Dunbar*, and the other owners of the mill at *Scituate harbour*, in the county of *Plymouth*, their heirs and assigns, shall make the flood-gates in the dam across *Mill Creek* and *Main Creek*, so called, in said harbour, upon such construction as to admit vessels passing through them at and near highwater, the passage to be twenty feet wide, and of sufficient width at *Mill Creek*, and shall open as large and as deep a passage between *Mill* and *Main Creeks*, above said dams; said flood-gates to be in the deepest water and where most convenient for the passage of vessels; and shall open said flood-gates, on flood-tide, from the time the waters above and below said dam are level, until highwater, when requested by any person or persons desiring to pass through said dam with their vessels; and upon refusal or neglect to open as aforesaid, they shall forfeit and pay for each offence to the person or persons so requesting the same, the sum of *two hundred dollars*: *Provided however*, That the owners of the mill-dam shall not be

be obliged to build new flood-gates for seven years, if they shall remove the string-pieces from above the present flood-gates and make them passable at high-water, and dig and remove the banks below, so as to admit vessels up that can pass through said flood-gates; and if it should be necessary for larger vessels to pass through the dam than the present flood-gates will admit, the owners of the dam shall, at their own expense, open a sufficient passage through said dam: *And it is further provided*, That nothing in this Act or the Act to which this is an addition, shall be construed to bar the owners of meadows from recovering their full damages sustained by the erection of said dam.

SECT. 2. *And be it further enacted*, That the second section of the Act, entitled, "An Act to authorize Jesse Dunbar, and others, owners of the mill at *Situate* harbour, in the county of *Plymouth*, to erect dams across *Mill Creek* and *Main Creek*, so called, at said harbour," be, and hereby is repealed.

Part of former
Act repealed.

[This Act passed January 30, 1804.]

An ACT for establishing a Corporation by the Name
of *The Warwick and Irvin's Gore Turnpike Corporation*.

WHEREAS the highway leading from the line of the State of *New-Hampshire*, through *Warwick* and unincorporated land, to the south branch of the Fifth *Massachusetts* Turnpike, is circuitous and rough, and the expense of making, straightening and keeping the same in good repair, is much greater than can reasonably be required of said town:

Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Israel Trask, Josiah Cobb, Jacob Rich, Oliver Chapin, Benjamin Tucl, Zachariah Barber, Mark Moore, Andrew Burnet, Ebenezer Willson, William Cobb, jun. Elias Knowlton, Josiah Pomeroy, jun. Justus Russell, Joshua Burnet, Joseph Williams, Bunyan Penniman, Samuel Melendy, and James Blake*, together with such others as may hereafter associate with them and their successors, be, and they hereby are constituted a Corporation, by the name of *The Warwick and Irvin's Gore Turnpike Corporation*; and by that name shall sue and be sued, and shall have a common seal, which they may alter at pleasure, and enjoy all the privileges and powers which are by law incident to similar Corporations, for the purpose of laying out, making and keeping in repair a turnpike road: Beginning at the line of the State of *New-Hampshire*, near the house of *Ebenezer Bancroft*, in said *Warwick*;

Names of persons
incorporated.

Course of the
road.

Warwick; thence southerly, in the most direct and eligible way, to the meeting-house in said *Warwick*; from thence, in as straight a line as the ground will admit, to *Benjamin Tuel's* mills; from thence, in the most direct and commodious way, through *Irvin's Gore*, so called, to intersect the south branch of the Fifth *Massachusetts* Turnpike Road, at or near the house of *Lemuel Rawson*.

First meeting
where to be
held.

SECT. 2. *And be it further enacted*, That a meeting of the said Corporation shall be held at the house of *Ebenezer Willson*, innholder in *Warwick* aforesaid, on the second Tuesday in *April* next, at one o'clock in the afternoon, for the purpose of choosing a Clerk, who shall be sworn to the faithful discharge of his trust, and such other officers as shall then and there be agreed upon by the said Corporation, for regulating the concerns thereof; and may also agree upon such mode of calling future meetings as they shall judge proper; and at the same or any subsequent meetings, may make and establish any rules and regulations that shall be necessary or convenient for regulating the said Corporation, for effecting, completing and executing the purpose aforesaid, or for collecting the toll hereafter granted; and the same rules and regulations may cause to be kept and executed, or for the breach thereof may order and enjoin fines not exceeding *thirteen dollars and thirty-three cents* for any breach thereof, *provided* such rules and regulations are not repugnant to the laws or Constitution of this Commonwealth: And each Proprietor in said turnpike road, or by his agent duly authorized in writing, shall have a right to vote in all meetings of the said Corporation, and shall be entitled to as many votes as the said Proprietor has shares in the same: *Provided however*, That no one Proprietor shall in any case be entitled to more than ten votes, for any number of shares he may hold.

Each share en-
titled to a vote,
with a
Proviso.

Corporational-
fellow to hold
lands. Court
of Sessions to
lay out the
road.

SECT. 3. *And be it further enacted*, That the said Corporation may purchase and hold lands over which they may make said road; and the Justices of the Court of General Sessions of the Peace in the county of *Hampshire* are hereby authorized, on application of said Corporation, to lay out said road, or any part thereof within their jurisdiction, as with the consent of said Corporation they shall think proper: And the said Corporation shall be liable to pay all damages that shall arise to any person by taking his or her land for such road, when the same cannot be obtained by voluntary agreement, to be estimated by a Committee of the Court of General Sessions of the Peace in the said county of *Hampshire*, saving to either party the right of trial by Jury, according to the law which makes provision for the recovery of damage arising from the laying out of highways: *Provided nevertheless*, That in all cases wherein the damage shall be increased by a Jury, the Corporation shall be held to pay the costs.

SECT.

SECT. 4. *And be it further enacted*, That the said turnpike road shall be laid out and made by said Corporation, not less than four rods wide, and the path to be travelled on not less than twenty-one feet in width in any place where it is practicable, and well guarded with railings in dangerous places; and when the said turnpike road shall be sufficiently made, and shall be so allowed and approved by a Committee to be appointed by the Justices of the Court of Common Pleas for the county of *Rampshire*, then the said Corporation shall be authorized to erect one turnpike gate on the same, in such place as shall be necessary and convenient, between the house of *Ebenezer Willson*, innholder in said *Warwick*, and the south branch of the Fifth *Massachusetts* Turnpike Road; and shall be entitled to receive from each passenger and traveller the following rate of toll, viz. For each coach, phaeton, chariot, or other four-wheel carriage, drawn by two horses, *twenty-five cents*, and for each additional horse, *four cents*; for each cart or waggon, drawn by two oxen or horses, *twelve and an half cents*, and for each additional ox or horse, *four cents*; for each curricule, *sixteen cents*; for each chaise, chair or fulkey, drawn by one horse, *twelve and an half cents*; for each sleigh or sled, drawn by two oxen or horses, *ten cents*, and for each additional ox or horse, *three cents*; for each man and horse, *six and one fourth of a cent*; for each sleigh, sled or cart, drawn by one horse, *seven cents*; for all cattle, horses or mules, led or driven, *one cent* each; and for all sheep or swine, *three cents* per the dozen: *Provided*, That nothing in this Act shall authorize said Corporation to demand toll of any person who shall be passing with his horse or carriage to or from his usual place of public worship, or with his horse, team or cattle, to or from the common labour on his farm, or to or from any grist-mill, or the common and ordinary business of family concerns, or from any person or persons passing on military duty: *Provided also*, That the General Court may hereafter otherwise regulate the tolls to be paid by carts and waggons, according to the width of the felloes of the wheels on which they shall run, and the burdens which they shall carry: And said Corporation may, if they see cause, commute the rate of toll with any town, person or persons, by taking from him or them a certain sum annually, to be mutually agreed upon in lieu of the toll aforesaid: And the said Corporation, at the gate where the toll shall be collected, shall erect in a conspicuous place, and constantly keep exposed to view, a sign or board, with the rates of toll of all the tollable articles fairly and legibly written thereon in large or capital characters.

How the road is to be made, where a gate is to be erected, and the toll to be demanded.

Exemptions from toll.

Toll of carts and waggons may be otherwise regulated.

SECT. 5. *And be it further enacted*, That if the said Corporation, their toll-gatherers, or others in their employ, shall unreasonably delay or hinder any traveller or passenger at the said

Penalty for de-
laying passen-
gers and de-
manding ille-
gal toll.

said gate, or shall demand or receive more toll than is by this Act established, the Corporation shall forfeit and pay a sum not exceeding *ten dollars* nor less than *one dollar*, to be recovered before any Justice of the Peace in the county wherein the offence shall be committed, by any person hindered, delayed or defrauded, in a special action on the case; the writ in which shall be served on the Corporation, by leaving a copy of the same with the Treasurer, or with some member of the Corporation living in the county wherein the action may be brought, at least seven days before the day of trial; and the Treasurer or such member shall be allowed to defend the same suit in behalf of the Corporation: And the Corporation shall be liable to pay all damages which shall happen to any person from whom toll is by this Act demandable, for any damage which shall arise from defect of bridges or want of repairs in said road; and shall also be liable to presentment by the Grand Jury, for not keeping the same in good repair.

— for wilfully
injuring the
gate or road,
and for evad-
ing toll.

SECT. 6. *And be it further enacted*, That if any person shall cut, or break down, or otherwise destroy said gate, or shall dig up or carry away any earth from the said road, or in any manner damage the same, or shall bring into, and leave in the travelled way any stones, or shall by any incumbrance obstruct a free passage, or shall forcibly pass, or attempt to pass by force the said gate, without having first paid the legal toll, such person shall forfeit and pay a fine not exceeding *fifty dollars* nor less than *fifteen dollars*, to be recovered by the Treasurer of said Corporation to their use, in an action of trespass on the case: And if any person with a team, cattle or horse, shall turn out of said road to pass the turnpike gate aforesaid, and again enter said road, with an attempt to avoid any toll established as aforesaid; such person shall forfeit and pay *two dollars*, to be recovered by the Treasurer aforesaid, to the use of said Corporation, by an action of debt.

Shares deemed
personal estate,
and mode of
transfer, at-
tachment, &c.
prescribed.

SECT. 7. *And be it further enacted*, That the shares in said road shall be deemed personal estate to all intents and purposes, and shall be transferable by deed, duly acknowledged before any Justice of the Peace, and recorded by the Clerk of said Corporation, in a book to be kept for that purpose: And when any share shall be attached on *mesne process*, or taken in execution, an attested copy of such writ of attachment or execution shall, at the time of the attachment or taking in execution, be left with the Clerk of said Corporation, otherwise the attachment or taking in execution to be void; and such shares may be taken and sold by execution in the same manner as other personal estate, and the officer or judgment creditor, leaving a copy of such execution, with the officer's return thereon, with the Clerk of said Corporation, within fourteen days after such sale,

sale, and paying for the recording thereof, shall be deemed a sufficient transfer of the same.

SECT. 8. *And be it further enacted*, That whenever any Proprietors shall neglect or refuse to pay any tax or assessment duly voted and agreed upon by the Corporation, to their Treasurer, within sixty days after the time set for the payment thereof, the Treasurer of said Corporation is hereby authorized to sell at public vendue the share or shares of such delinquent Proprietor, one or more, as shall be sufficient to defray said taxes and necessary incidental charges, after duly notifying in the newspaper printed at *Worcester* the sums due on any such share, and the time and place of sale, at least twenty days previous to the time of sale; and such sale shall be a sufficient transfer of the share or shares so sold to the person purchasing; and on producing a certificate of such sale from the Treasurer to the Clerk of said Corporation, and the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the books of said Corporation; and such person shall be considered to all intents and purposes the Proprietor thereof; and the overplus, if any there be, shall be paid on demand by the Treasurer, to the person whose shares are thus sold.

Shares of delinquents to be sold; and the manner directed.

SECT. 9. *And be it further enacted*, That the said Corporation is hereby allowed to grant monies to such persons as have rendered services to the Proprietors in exploring the route of the turnpike road, or otherwise, previous to the Act of incorporation: And the said Corporation is hereby authorized to purchase and hold other real estate, adjacent to and for the accommodation of the said road, to the amount of *two thousand dollars*.

Grant of monies to certain persons allowed.

SECT. 10. *And be it further enacted*, That the said Corporation shall, within six months after said road is completed, lodge in the Secretary's office an account of the expense thereof; and the said Corporation shall annually exhibit to the Governor and Council a true account of the income or dividend arising from the said toll, with their necessary annual disbursements on the said road; and that the books of the Corporation shall at all times be subject to the inspection of the Governor and Council when called for.

Statements of expenditures & receipts to be exhibited.

SECT. 11. *And be it further enacted*, That the General Court may dissolve the said Corporation, whenever it shall appear to their satisfaction that the income arising from the toll shall have fully compensated the said Corporation for all monies they have expended in purchasing, repairing and taking care of the said road, together with all interest thereon at the rate of *twelve per centum* by the year; and thereupon the property of the said road shall be vested in this Commonwealth, and be at their disposal: *Provided however*, That if the said Corporation shall neglect

Corporation may be dissolved when the Proprietors are indemnified, &c.

neglect to complete the said turnpike road, for the space of four years from the date of this Act, the same shall be void and of no effect.

[This Act passed January 30, 1804.]

June 23, 1802.

An ACT in addition to and to amend an Act, entitled, "An Act to establish a School in the South Parish in the Town of *Attleborough*, by the Name of *The Franklin School*, and for incorporating the Trustees of the said School into a Body Politic."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Act, entitled, "An Act to establish a school in the south parish in the town of *Attleborough*, by the name of *The Franklin School*, and for incorporating the Trustees of said School into a body politic," shall be amended, deemed, taken and considered, to all intents and purposes, as if the words '*east parish*' had been inserted in said Act in all places where the words '*south parish*' occur; any thing in the aforesaid Act to the contrary notwithstanding.

[This Act passed February 10, 1804.]

An ACT to incorporate a Number of Inhabitants of the Towns of *Templeton* and *Winchendon*, in the County of *Worcester*, into a distinct Religious Society by the Name of *The Baptist Society in Templeton*.

Names of persons incorporated.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Silas Cutler, Shubael Johnson, Joel Fletcher, Stephen Haskell, Joshua Tucker, Jairus Partridge, Jacob Wales, Samuel Simonds, Isaac Grout, Gideon Bacon, Job Frye, Benjamin Brown, Nathan Bryant, Oliver Farnsworth, James Simonds, Samuel Beal, Oliver Haskell, Cyrus Brown, Timothy Parker, Josiah Bruce, Cyrus Cook, Samuel Fisher, William Fletcher, Abel Thomson, Aaron Hyde, Suel Whitcomb, Ephraim Cutler, Thomas Bryant, Jeremiah Slocomb, John Chace, Daniel Norcross, jun. Samuel Brown, Levi Norcross, James Johnson, Ziba Simonds*, with their families and estates, together with such others as have or may hereafter associate themselves for the same purpose in the manner hereinafter described, be, and they are hereby incorporated into a religious Society by the name of *The Baptist Society in Templeton*, with all the powers, privileges and immunities to which other parishes are entitled by the Constitution

Corporate name.

Constitution and laws of this Commonwealth, for the exprefs purpose of conducting and tranſacting their religious concerns, and for that purpoſe only.

SECT. 2. *Be it further enacted*, That any perſon in either of the ſaid towns of *Templeton* or *Winchendon* aforeſaid, being of the Baptiſt denomination aforeſaid, who may at any time hereafter actually become a member of, and unite in religious worſhip with the Society aforeſaid, and give in his or her name to the Clerk of the town to which he or ſhe belongs, with a certificate ſigned by the Miniſter or Clerk of ſaid Society, that he or ſhe has actually become a member of, and united in religious worſhip with the aforeſaid Baptiſt Society in *Templeton*, fourteen days previous to the town meeting therein to be held in the month of *March* or *April* annually, ſhall, from and after giving ſuch certificate, with his or her polls and eſtate, be conſidered as part of ſaid Society: *Provided however*, That ſuch perſon ſhall be held to pay the proportion of all money aſſeſſed in the town to which he or ſhe belonged previous to that time.

How to join
the Society.

SECT. 3. *Be it further enacted*, That if any member of ſaid Baptiſt Society ſhall at any time ſee cauſe to leave the ſame, and unite in religious worſhip with the town in which he or ſhe may reſide, and ſhall lodge a certificate of ſuch their intention with the Clerk or Miniſter of ſaid Baptiſt Society, and alſo with the Clerk of the town in which he or ſhe may reſide, fourteen days at leaſt before the annual town meeting to be held therein in the month of *March* or *April*, and ſhall pay his or her proportion of all money aſſeſſed on ſaid Society previous thereto, ſuch perſon or perſons ſhall, from and after giving ſuch certificates, with his or her polls and eſtates, be conſidered as belonging to the town in which he or ſhe may reſide, in the ſame manner as if he or ſhe had never belonged to ſaid Baptiſt Society.

How to leave
the Society.

SECT. 4. *And be it further enacted*, That *Thomas Fiſher*, Eſq. be, and he hereby is authorized to iſſue a warrant, directed to ſome ſuitable member of ſaid Baptiſt Society, requiring him to notify and warn the members thereof to meet at ſuch time and place as ſhall be appointed in ſaid warrant, to chooſe ſuch officers as pariſhes in this Commonwealth are by law authorized to chooſe in the month of *March* or *April* annually, to conduct the religious concerns of ſaid Society.

T. Fiſher, Eſq.
to call firſt
meeting.

[This Act paſſed February 10, 1804.]

An ACT to establish an Academy in the West Parish in the Town of *Bradford*, by the Name of *Bradford Academy*.

Preamble.

WHEREAS the Rev. *Jonathan Allen*, *Benjamin Carlton*, *Daniel Carlton*, *Joseph Chadwick*, *Jonathan Chadwick*, *Asa Gage*, *Uriah Gage*, *Jeremiah Gage*, *Peter Gage*, *John Griffin*, *John Hasketine*, *Moses Kimbal*, *James Kimbal*, *Edmund Kimbal*, *Edward Kimbal*, *John Smiley*, *Nathaniel Thurston*, *Ezra Trask*, *Benjamin Walker*, and *Samuel Webster*, have built a good and convenient house for the purpose of an Academy for the education of youth of both sexes, in the west parish of *Bradford*, in the county of *Essex*, and have given *fifteen hundred dollars*, the interest of which is to be applied to the support of said Academy :

Names of the Trustees.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That there be, and hereby is established in the west parish of *Bradford*, in the county of *Essex*, an Academy by the name of *Bradford Academy*, for the purpose of promoting piety, religion and morality, and for the education of youth in such languages and in such of the liberal arts and sciences as the Trustees hereinafter named shall direct: And that the Rev. *Jonathan Allen*, the Rev. *Ebenezer Dutch*, the Rev. *Isaac Braman*, the Hon. *Nathaniel Marsh*, Esq. the Hon. *Bailey Bartlett*, Esq. *Nathaniel Thurston*, Esq. *James Kimbal*, Esq. *Benjamin Walker*, physician, *Joseph Chadwick*, *Edward Kimball*, and *Samuel Webster*, gentlemen, be, and they are hereby incorporated into a Body Politic and Corporate by that name forever: And the said Trustees shall have and keep a common seal, which they may break, alter or renew whenever they may think necessary or convenient; and that all deeds signed and sealed with such seal, and delivered and acknowledged by the Secretary of the said Corporation, by order of the said Trustees, shall be good and valid in law; and that the said Trustees may sue and be sued, in all actions, real, personal and mixed, and prosecute and defend the same to final judgment and execution, by the name of *The Trustees of Bradford Academy*: And the number of Trustees of the said Academy shall never exceed eleven, nor be less than seven, and six shall form a quorum for doing business.

Number of Trustees limited.

Property confirmed to the Trustees, and they are empowered to receive bequests, &c.

SECT. 2. *And be it further enacted,* That all the monies, lands, or other property, and things already subscribed and given, or which shall be hereafter given, granted, devised, bequeathed, transferred or assigned to the said Trustees, for the purposes aforesaid, or either of them, shall be confirmed to the

the said Trustees and their successors in that trust forever; and that the said Trustees may have and hold in fee simple, by gift, grant, devise, bequest, or otherwise, any or all lands, tenements, hereditaments, and other estate, real or personal, *provided* the annual income thereof shall not exceed the sum of *five thousand dollars*, and may sell and dispose of the same, and apply the rents, issues and profits thereof, in such manner as the end and design of the said institution in their discretion may require.

SECT. 3. *And be it further enacted*, That the said Trustees shall have power, from time to time, to elect such officers of the said Academy as they shall judge necessary, and to fix the tenures of their respective offices; to remove any Trustee from the Corporation, when in their opinion he shall be incapable, by reason of age or other incapacity, of discharging the duties of his office; to fill all vacancies in the said Corporation; to determine the time and places of the meetings of said Corporation, the manner of notifying, and the method of electing and removing Trustees; to elect and prescribe the powers and duties of the officers of the said Corporation, and also to prescribe the powers and duties of the preceptor, preceptress, teachers, and all other officers of the Academy; and to make and ordain reasonable rules, orders and by-laws, not repugnant to the laws of this Commonwealth, with reasonable penalties, for the good government of the said Academy.

Trustees to appoint necessary officers, may remove a Trustee, &c.

SECT. 4. *And be it further enacted*, That the Rev. *Jonathan Allen*, be, and he is hereby authorized to fix the time and place for holding the first meeting of the said Trustees, and to notify them thereof.

First meeting.

SECT. 5. *And be it further enacted*, That this Act shall not be construed to entitle said Academy to any donation of the public lands.

Corporation not entitled to public lands.

[This Act passed February 10, 1804.]

An ACT to establish an Academy in the Town of *Hebron*, by the Name of *Hebron Academy*, and to create a Corporation of Trustees for the same.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That there be, and hereby is established, in the town of *Hebron*, in the county of *Cumberland*, an Academy, by the name of *Hebron Academy*, for the purpose of promoting piety and virtue, and for the education of youth in such languages, and in such of the liberal arts and sciences as the Trustees hereinafter provided shall order and direct.

Hebron Academy established.

SECT.

Names
Trustees.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the Rev. John Tripp, Rev. James Hooper, Samuel Paris, of Ezekiel Whitman, Cyrus Hamlin, John Greenwood, Luther Cary, and Jesse Rice, Esquires, and Mr. William Burrows, be, and they hereby are nominated and appointed Trustees of the said Academy; and they are hereby incorporated into a Body Politic, by the name of *The Trustees of Hebron Academy*, in the county of Cumberland; and they and their successors shall be and continue a Body Politic and Corporate by the same name forever.

Trustees to
have a com-
mon seal.

SECT. 3. *And be it further enacted,* That the said Trustees, and their successors, shall have one common seal, which they may break, change and renew, from time to time, as they shall see fit; and they may sue and be sued in all actions, real, personal and mixed, and prosecute and defend the same to final judgment and execution, by the name of *The Trustees of Hebron Academy*, and may appoint an agent or agents to prosecute and defend such suits.

to be the
visitors, gover-
nors, &c. of the
Academy.

SECT. 4. *And be it further enacted,* That the said John Greenwood, and others, the Trustees aforesaid, and their successors, be, and they are hereby made the Visitors, Trustees and Governors of the said Academy, in perpetual succession forever, to be continued in the way and manner hereafter specified, with full power and authority to elect such officers of the said Academy as they shall judge necessary and convenient, and to make and ordain such laws, orders and rules, not repugnant to the laws of this Commonwealth, for the good government of said Academy, as to them shall seem fit and requisite.

Number of
Trustees limit-
ed.

SECT. 5. *And be it further enacted,* That the number of the Trustees aforesaid shall not at any one time be more than nine nor less than seven, five of whom at least shall be necessary to constitute a quorum for transacting business.

Vacancies at
the Board of
Trustees to be
filled.

SECT. 6. *And be it further enacted,* That as often as one or more of the Trustees aforesaid shall die or resign, or in the judgment of the major part of the Trustees, shall be rendered incapable, by age or otherwise, of discharging the duties of his office, the Trustees then surviving shall elect one or more persons to fill such vacancy or vacancies.

Trustees al-
lowed to hold
property to a
certain
amount.

SECT. 7. *And be it further enacted,* That the Trustees aforesaid, and their successors, be, and they hereby are rendered capable in law, to take and hold by gift, grant or devise, bequest or otherwise, any lands, tenements, or other estate, real or personal, which hath heretofore been given or subscribed, or which may hereafter be given or subscribed for the purpose aforesaid: *Provided,* That the annual income of the said real estate shall not exceed the sum of *one thousand dollars*, and the annual

annual income of the said personal estate shall not exceed the sum of *three thousand dollars*; and all deeds and instruments which the said Trustees may lawfully make, shall be sealed with their seal, and shall bind the Trustees and their successors, and be valid in law.

SECT. 8. *And be it further enacted*, That *John Greenwood*, Esq. be, and hereby is authorized and empowered to appoint the time and place for holding the first meeting of said Trustees, and notify them thereof.

J. Greenwood,
Esq. appointed
to call the first
meeting.

[This Act passed February 10, 1804.]

An ACT to incorporate certain Persons as Trustees of a Fund for the Support of a Congregational Gospel Minister in the First Parish in *Bradford*, in the County of *Essex*.

WHEREAS *Jonathan Chadwick*, of *Bradford*, in the county of *Essex*, hath given unto the First Congregational Society in said *Bradford*, a State Note of *eleven hundred and twenty-five dollars*, principal and interest, the interest of which is to be applied towards the support of a Congregational Minister in the said Society forever hereafter :

Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Nathaniel Thurston, James Kimball, Asa Gage, Joseph Chadwick, Richard Walker, Samuel Webster, Edward Kimball, Benjamin Walker, Peter Gage, Francis Kimball, John Griffin, Edmund Kimball, Uriah Gage, Richard Woodman, Jesse Kimball, Daniel Carlton, and Timothy Phillips*, be, and they are hereby appointed Trustees to manage such funds as are or shall be raised and appropriated to the use aforesaid, and for that purpose they and their successors are hereby incorporated into a Body Corporate and Politic forever, by the name of *The Trustees of the Funds for the Support of a Congregational Gospel Minister in the First Parish in Bradford* : And the said Trustees shall have and keep a common seal, subject to be changed or altered at pleasure ; and may sue and be sued, and prosecute and defend to final judgment and execution : And the number of Trustees shall never be less than seven, and five shall form a quorum for doing business.

Names of the
Trustees.

Corporate
name.

SECT. 2. *And be it further enacted*, That the said Trustees be and hereby are vested with full power to receive into their hands all monies and securities for money already raised, and all monies, subscriptions, donations and securities for real or personal estate that may hereafter be given, raised or subscribed for the purpose aforesaid ; and may sell and convey,

Empowered to
receive monies.

vey, by good and well authenticated deeds, lands and tenements, whereof the fee may vest in them, by virtue of mortgage, or execution, or otherwise.

Fund to be put
at interest.

Proviso.

SECT. 3. *And be it further enacted*, That the aforesaid fund shall be put to use or interest, and the annual interest of said fund shall be applied to discharge the salary of the Congregational Gospel Minister now settled or that may hereafter be settled in the said first parish: *Provided however*, That should the said Trustees be possessed of a capital, the annual interest whereof shall be more than sufficient to discharge the salary aforesaid, the surplus sum may be applied to the payment of the other necessary expenses arising from supporting said Congregational worship, or for the support of schools, as the said Trustees from time to time shall direct; or the same may be appropriated to augment said fund, within the limitation hereafter expressed: And the said Trustees are hereby made capable of holding as aforesaid real and personal estate, the annual income of which shall not exceed *nine hundred dollars*; and no part of the capital of said fund shall ever be expended.

Officers to be
elected.

Treasurer to
give bonds.

SECT. 4. *And be it further enacted*, That the Trustees for the time being may elect a President, Clerk and Treasurer; and the Clerk and Treasurer shall be under oath faithfully to perform their duty: And the Treasurer shall receive into his hands the monies from said Trustees, and under their direction put the same to use or interest, with sufficient security for the same, having previously himself given bonds to said Trustees, with sufficient sureties to their acceptance, for the faithful performance of his duty: And said Trustees shall have power to fill all vacancies that shall happen from death, resignation or removal out of said Society: And the said Trustees and their successors shall remain a Body Corporate, to perpetuate the appropriation of said fund, according to the intentions of the donor or donors within the provisions of this Act: And said Trustees shall annually in the month of *January*, make a full and fair statement of the situation of the funds aforesaid, and deliver a copy of the same to the Clerk of said Congregational Society.

First meeting.

SECT. 5. *And be it further enacted*, That *Nathaniel Thurston, Esq.* is hereby authorized to call the first meeting of said Trustees; and said Trustees shall determine the mode of calling future meetings.

[This Act passed *February 10, 1804.*]

An ACT in addition to an Act, entitled, "An Act to prevent Damages being done upon the improved Lands adjoining *Connecticut River*, by reason of Timber being left thereon by the Spring Floods, and for fixing a Time for the Owners to remove it," made in the Year of our Lord One thousand seven hundred and eighty-one.

WHEREAS *Levi Shepherd* hath represented to this Court that he sustains great damage by timber which is brought on to his land in an island in *Connecticut River*, lying between *Hadley* and *Northampton*, in the county of *Hampshire*, called and known by the name of *Stoddard's Island*:

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That an Act, entitled, "An Act to prevent damages being done upon the improved lands adjoining *Connecticut River*, by reason of timber being left thereon by the spring floods, and for fixing a time for the owners to remove it," be, and the same hereby is extended to the afore said island, the owners thereof observing the injunctions contained in said Act, and causing the marks on the timber to be recorded in the book of records of the town of *Northampton*.

[This Act passed February 10, 1804.]

An ACT in addition to an Act, entitled, "An Act to incorporate *Simon Larned*, and others, for the Purpose of conveying Water by Pipes into the Centre of the Town of *Pittsfield*, by the Name of *The Proprietors of the Water-Works in the Middle of the Town of Pittsfield*."

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said Proprietors, or any three of them, may, at any time, by advertisement posted up at any two public houses in said *Pittsfield*, or published in a newspaper printed in said *Pittsfield*, warn a meeting of said Proprietors, to be holden at such place in said *Pittsfield*, and at such time, not less than seven days from the posting up or publishing such advertisement, as shall be appointed and notified in the said advertisement; at which meeting, so appointed and warned, any business expressed in such notification, and proper to be transacted by the said Proprietors, pursuant to the Act, entitled,

How a meeting may at any time be called.

tled, "An Act to incorporate *Simon Larned*, and others, for the purpose of conveying water by pipes into the centre of the town of *Pittsfield*, by the name of *The Proprietors of the Water-Works in the middle of the Town of Pittsfield*," may be transacted.

SECT. 2. *And be it further enacted*, That the corporate officers of the said Proprietors last appointed, shall be and continue in their respective offices until a meeting for the appointment of officers shall be warned and holden in the manner authorized by this Act.

[This Act passed *February 10, 1804.*]

An ACT to incorporate *Dummer Sewall*, and others, Proprietors of the New Meeting-House in the Town of *Bath*, into a Religious Society by the Name of *The Congregational Society in the Town of Bath*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Dummer Sewall*, *David Trufant*, *Samuel Davis*, and the persons who now are, and such as shall hereafter be Proprietors of the new meeting-house in the town of *Bath*, and of the land under and adjoining the same, be, and they are hereby incorporated and made a Body Politic and Religious Society by the name of *The Congregational Society in the Town of Bath*; and in that name may sue and be sued, and shall be invested with all the powers, privileges and immunities to which other religious societies in this Commonwealth are entitled by law, and shall be capable of purchasing and holding estate, real or personal, over and above said meeting-house, to any amount, the annual income of which shall not exceed *three thousand dollars*.

SECT. 2. *And be it further enacted*, That the said Society be, and they hereby are authorized and empowered to raise, by an assessment on the pews and seats in said meeting-house, such sum or sums of money for the settlement and maintenance of a minister, repairing the meeting-house, and defraying the other expenses of public worship, with incidental charges, as they shall agree on; and the same may assess, or cause to be assessed upon such pews or seats, in such manner as the Society shall determine; and the sums so assessed shall be paid by the Proprietors of such pews and seats, or the occupants thereof: And if any Proprietor of a pew or seat, or the occupant thereof, shall neglect to pay any assessment which shall be legally made thereon for one year after the same shall have been made, the Treasurer of said Society shall be authorized and empowered to sell and convey all the estate and interest of

Continuation
of present officers.

Corporate
name.

Assessments
may be laid,
and the prop-
erty of those
who refuse to
pay may be
sold.

of any such delinquent Proprietor in the said Corporation at public auction, first giving notice thereof fourteen days at least previous to the sale, by posting up notifications at two of the doors of said meeting-house; and upon such sale to execute a good and sufficient deed or deeds thereof; and after deducting the amount of said delinquent's tax, together with the legal interest thereon from the time the same was made, and all incidental charges, the said Treasurer shall pay the surplus, if any there be, to such delinquent Proprietor.

SECT. 3. *Be it further enacted*, That all persons belonging to the said town of *Bath* who shall be desirous of belonging to the said Society, shall, so long as they continue to pay an equal proportion of the expenses of public worship, and usually attend therein with said Society, be considered to all religious purposes as members of said Society, and shall be exempt from any ministerial tax elsewhere: And any such person who shall pay an annual tax towards the maintenance and support of preaching in the said meeting-house, equal to one half of the tax of the lowest floor pew, shall have a right to vote on all occasions in the meetings of said Society, except in such votes as shall relate to the disposition of the property of said Proprietors.

Who shall be considered members.

SECT. 4. *Be it further enacted*, That whenever any Proprietor, or other person who shall join the said Society, shall, in writing, to be delivered to the Clerk of said Society, notify that he withdraws from the said Society, such Proprietor or person shall no longer be considered personally liable for any assessment afterwards made; but any person leaving the Society shall be held to pay any assessment made on them previous thereto, and said Society may sue for the same.

How to leave the Society.

SECT. 5. *Be it further enacted*, That all contracts heretofore made by the said Proprietors shall be binding upon them in their corporate capacity; and the deeds for the pews in said meeting-house given by *David Trufant*, as agent for said Proprietors, and all deeds and transfers of said pews in future made, when the same shall be recorded in the book kept by the Clerk of said Society, shall be good and valid in law.

Contracts heretofore made considered binding.

SECT. 6. *Be it further enacted*, That the said Society, at their annual meeting which shall be holden on the fourth Monday of *April* in every year, shall choose a Treasurer, Clerk, Assessors and Collector, and all such officers as they may think necessary for conducting and managing the affairs of the Society, either by ballot or otherwise, as they may think proper; and shall at such meeting determine on the compensation to be allowed to any of the said officers for their services; and in case of a vacancy in any office by death, resignation, or otherwise, they shall have power to fill said vacancy at any meeting

What officers are to be chosen, and how and when.

ing called for the purpose, of which notice shall be given by the Clerk on the two Sabbaths immediately preceding the meeting, by posting the same in the porch of said meeting-house: And all and every act or thing to be done by this Act, shall be done at the said annual meeting, or meeting specially called for the purpose as aforesaid.

SECT. 7. *And be it further enacted,* That the first meeting of the said Society shall be on the fourth Monday of *April* next, and shall be notified to the Society by a notice posted by the said *Dummer Sewall*, Esq. in the manner aforesaid: And at said first meeting the said Society may, if they think proper, choose three judicious men, not inhabitants of the town, to make a valuation of the pews, in order to fix the ratio by which the monies to be assessed shall be apportioned; and the said valuation when made shall be recorded by the Clerk, and be ever after binding on said Society as a rule to apportion the taxes.

[This Act passed February 13, 1804.]

An ACT to set off *John Davis*, *Ebenezer Boynton*, *Nathan Harrington*, *Samuel Harrington*, *Micah Harrington*, and *Ephraim Harrington*, from the Town of *Holden*, in the County of *Worcester*, and annex them to the Town of *Paxton*, in said County.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *John Davis* and *Ebenezer Boynton*, with their polls and estates, bounded as follows, viz. Beginning at the south-westerly corner of the town of *Holden*, being also a corner of the town of *Worcester*, on *Leicester* line; thence running north fifty-four degrees east, one hundred and eighty-six rods, to *Joseph Howard's* land, and bounded on *Worcester* line; thence north thirty-eight degrees west, one hundred and fifty-nine rods, to a heap of stones, at the corner of said *Howard's* farm; thence north fifty-three degrees east, sixty-one rods, to a town road; thence north thirteen degrees east, fifty rods; thence north thirty-two degrees west, twenty-three rods, to a stake and stones; thence south sixty degrees west, thirty-two rods, to a heap of stones; thence west six degrees south, one hundred and sixty-three rods, to said *Paxton* line; thence southerly on said *Paxton* and *Leicester* line to the bounds first-mentioned....Also, *Nathan Harrington*, *Samuel Harrington*, *Micah Harrington*, and *Ephraim Harrington*, with their polls and estates, bounded as follows, viz. Beginning at the south-west corner

Boundaries of
the estates of
Davis and
Boynton.

corner of *Ephraim Harrington's* land on the line between *Paxton* and *Holden*, being also a corner of *Ebenezer Wait's* land ; thence east thirteen degrees north, one hundred and forty-four rods, to *Elisha Mirick's* land ; thence north fourteen degrees west, one hundred and seventeen rods, to a corner of said *Mirick's* land ; thence east thirteen degrees north, seventy-one rods by said *Mirick's* land to a heap of stones, a corner of said *Nathan* and *Samuel Harrington's* land ; thence north fourteen degrees west, two hundred and one rods, to a heap of stones, a corner of said *Nathan* and *Samuel Harrington's* land, by *Joseph Hubbard's* land ; thence west ten and an half degrees south, eighty rods, to a stake and stones, a corner of *Israel Davis's* land ; thence south thirteen degrees east, twenty rods, to a heap of stones, a corner of said *Davis's* land ; thence west ten and an half degrees south, eighty rods by said *Davis's* land to a corner on *Stephen Sweetser's* line ; thence south thirteen degrees east, thirty-five rods on said *Sweetser's* line, to a corner of his land ; thence west eleven degrees south, forty-four rods, to a heap of stones, a corner on said *Paxton* line ; thence southerly on said *Paxton* line to the bounds first-mentioned, be, and they are hereby set off from the town of *Holden*, and annexed to the town of *Paxton*, there to do duty and receive privileges equal to other inhabitants in said town of *Paxton* : *Provided nevertheless*, That the said *John Davis, Ebenezer Boynton, Nathan Harrington, Samuel Harrington, Micah Harrington, and Ephraim Harrington*, respectively, be held to pay all taxes already assessed on them by the said town of *Holden* : *Provided also*, That every person having heretofore gained inhabitancy on either of the aforesaid farms, and becoming chargeable, shall receive their support in and from the said town of *Paxton*.

Boundaries of Harringtons' estate.

Provision respecting taxes.

SECT. 2. *And be it further enacted by the authority aforesaid*, That there shall be taken *nine cents* from the State valuation of the town of *Holden*, and added to the town of *Paxton*, which shall be the rule for assessing the said towns for State and county taxes, until there shall be a new State valuation taken.

Alteration of valuation.

[This Act passed February 13, 1804.]

An ACT to incorporate a Number of the Inhabitants of the Town of *Hebron*, in the County of *Cumberland*, into a Religious Society, by the Name and Style of *The Congregational Society in Hebron*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the following persons, viz. *Asa Bearce, Charles*

Names of persons incorporated.

Charles Bearce, Cornelius Bearce, Job Bearce, Levi Bearce, Asa Bearce, jun. Thomas Carman, Samuel Crafts, William Churchill, Isaac Cushman, Asbley Curtis, Oliver Curtis, Asbley Curtis, jun. Simeon Dave, Samuel Decoster, Isaiah Fuller, Alexander Greenwood, John Greenwood, John Greenwood, jun. Jacob Gurney, Elisba Gurney, Micah Gurney, Ebenezer Harlow, Jabez Merrill, Joseph Morse, Thomas Morton, Huldah Myrick, Abiel Packard, Ichabod Packard, Reuben Packard, Zacheus Rowe, William Stedman, John Stedman, Alven Turner, Adam Turner, Adam Turner, jun. Southworth Turner, Peleg Washburn, Isaac Whittemore, and Samuel Whittemore, together with their families and estates, and such others as may hereafter associate with them, be, and they are hereby incorporated into a Society, by the name and style of The Congregational Society in Hebron, with all the powers, privileges and immunities to which other religious Societies are entitled by the Constitution and laws of this Commonwealth.

First meeting how to be called.

SECT. 2. *And be it further enacted, That upon application to any Justice of the Peace in the county of Cumberland, such Justice shall issue a warrant, directed to some suitable inhabitant of the said town of Hebron, requiring him to notify and warn the members of the said Congregational Society, to meet at such convenient time and place as shall be expressed in said warrant, for the purpose of choosing such officers as parishes are by law empowered to choose, at their annual meetings in the month of March or April.*

[This Act passed February 13, 1804.]

An ACT for holding a special Session of the Supreme Judicial Court at *Dedham*, within and for the County of *Norfolk*.

Preamble.

WHEREAS by some accident the Supreme Judicial Court which was to have been holden at *Dedham*, within and for the county of *Norfolk*, on the first Tuesday of *February* instant, has not been opened and holden, and a special interposition of the Legislature has become necessary, in order to have a due and regular administration of justice in that county :

Court to be held on the 1st Tuesday of March.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That there shall be a Supreme Judicial Court holden at Dedham, within and for the county of Norfolk, according to the established forms of law, on the first Tuesday of March next; and that all writs and processes which were by law returnable at the Supreme Judicial Court, which was by law*

to

to have been holden at *Dedham*, within and for the county of *Norfolk*, on the first Tuesday of *February* instant, shall be returnable to the said Court to be holden there on the first Tuesday of *March* next, any thing in their forms to the contrary notwithstanding; and that all actions which were continued, and all appeals which were made to the said Court, which was so to have been holden at *Dedham*, on the first Tuesday of *February* aforesaid, shall be entered and acted upon at the said Supreme Judicial Court, to be holden there on the first Tuesday of *March*, in the same manner as the same might have been done at the Court aforesaid, on the first Tuesday of *February*, if the same Court had been holden.

SECT. 2. *Be it further enacted*, That all levies of executions, all attachments made, and all services of process done on precepts which were made returnable to the said Court, which was to have been holden on the first Tuesday of *February*, shall be held as good and valid at the said Supreme Judicial Court, to be holden there on the said first Tuesday of *March*, as the same would have been at a Supreme Judicial Court holden there on the first Tuesday of said *February*; and that all recognizances taken for, and which were returnable at the said Supreme Judicial Court, which was to have been holden there on the said first Tuesday of *February*, shall be good and valid at the said Court, to be so holden there on the first Tuesday of *March* aforesaid, as if the same were taken for a Court then to be holden; any thing in their form to the contrary notwithstanding.

SECT. 3. *Be it further enacted*, That the Grand Jurors and Petit Jurors who were drawn, and were to have been returned to serve at the Supreme Judicial Court, which was to have been holden at *Dedham* aforesaid, on the said first Tuesday of *February*, shall be holden to appear and serve at the said Court, to be holden there on the first Tuesday of *March* next, under the same penalties as if they were regularly drawn and returned to serve at the Court last mentioned: *Provided nevertheless*, That where it shall appear to the Judges who shall hold the said Court, that any of said Jurors have not had due information of this Act, such Jurors shall not be liable to a fine for non-appearance; and the said Jurors, and parties, and witnesses, shall be allowed for all their travel and attendance as shall be just and equitable.

SECT. 4. *Be it further enacted*, That the Secretary cause a competent number of copies of this Act to be printed, and shall send them to the Sheriff of the county of *Norfolk*, who shall cause the same to be published in the newspapers printed in said *Dedham*; and shall immediately send one to the Town-Clerk of each town in the said county, which Town-Clerk shall

Executions & attachments made returnable to this Court.

Jurors to serve at this Court, with a.

Provided.

Copies of this Act to be printed and distributed.

shall post the same up in some public place in the town of which he is Clerk, and shall cause the Grand and Petit Jurors who shall have been drawn therein as aforesaid, to be notified thereof seven days before the first Tuesday of *March* next; the Secretary shall also send one copy to the circuit Clerk of the Supreme Judicial Court, and one to the Clerk of the Court of Common Pleas in the said county, and one to each Judge of said Supreme Judicial Court; and shall cause this Act to be published in two of the newspapers printed in *Boston*.

[This Act passed *February* 20, 1804.]

An ACT to incorporate *The Hampshire Missionary Society*.

Preamble.

WHEREAS a number of the Congregational and Presbyterian Ministers, together with a number of other persons in the county of *Hampshire*, convened at *Northampton*, on the fifth day of *January*, in the year of our Lord one thousand eight hundred and two, and formed themselves into a Missionary Society, under a constitution containing the following articles:

ART. 1. The name and style of the Missionary Society shall be *The Hampshire Missionary Society*.

Object of the Society.

ART. 2. The great object and business of the Society shall be to promote the preaching and propagation of the gospel of **JESUS CHRIST** among the inhabitants of the new settlements of the *United States*, and the aboriginal natives of the continent.

Who are to be members of the Society.

ART. 3. The Society in future shall or may consist of members of the following descriptions and qualifications, that is to say, of all the Congregational and Presbyterian Ministers of churches in the county of *Hampshire*; of one delegate from each church of the Congregational and Presbyterian denominations in the county, to be annually chosen for the purpose; of each and every person, residing either in or out of the county, who hath subscribed, or shall subscribe and pay to the use of the Society *ten dollars*, and he shall continue a member during the term of seven years, and ever after, so long as he shall annually, in the month of *January*, pay the sum of *two dollars* to the use of the Society; of each and every person residing in or out of the county, who hath subscribed, or shall subscribe and make himself accountable to the Society for the sum of *two dollars*, to be paid annually in the month of *January* for seven years, and he shall continue a member during the term of seven years, and ever after, so long as he shall annually, in the month of *January*, pay to the use of the Society

ciety the sum of *two dollars*; the claim of subscribers to be considered as members shall be ascertained from the books of the recording Secretary, kept in such manner as the Trustees shall direct, and exhibited at each meeting of the Society; and any person who may be of peculiar advantage to the Society, may be made a member by a major vote at any meeting, after having his name entered as a candidate for admission at a previous meeting.

ART. 4. There shall be holden annually at *Northampton*, Annual meet-
in said county, a meeting of the Society, on the Thursday of ing when and
the week appointed by law for the holding of the Court of where to be
Common Pleas in the month of *August*, at two o'clock, P. M. holden, and
for the purpose of choosing by ballot a President, a Vice- what officers
President, a Treasurer, a Recording Secretary, a Correspond- are to be cho-
ing Secretary, and twelve Trustees, of whom the President sen.
and Vice-President shall be two, and six of them shall be
Ministers of the gospel, and six laymen, and of choosing any
other necessary officer, receiving the reports of the Trustees
and other officers, forming rules and giving directions to their
officers, and transacting all other matters advantageous to the
interest of the Society: The Society shall have power to alter
the time and place of holding the annual meeting: All the
annual officers shall continue in office until others shall be
chosen to succeed them; and the Trustees, at least fourteen
days previous to any meeting of the Society, shall give public
notice of the time and place of holding such meeting; and
the members who shall convene, one of the Trustees, or the
Treasurer, or either of the Secretaries being present, shall
constitute a quorum for doing business.

ART. 5. The business and powers of the Trustees shall be,
to appoint for themselves a President *pro tempore* in the absence
of the President and Vice-President; to form rules for the
government of their meetings and proceedings; to appoint a
Treasurer, a Recording Secretary, or Corresponding Secretary,
in case of the non-acceptance, death, removal or incapacity of
such officer to serve until the next meeting of the Society; to
call for the attendance of the Secretaries, who shall officially
act for the Board of Trustees; to call for the attendance of
the Treasurer, who, when required, shall exhibit to them his
books and accounts, shall receive of them such directions as
they shall give, and shall receipt and account for all the sums
of money committed to him by the Trustees, and pay the same
to them or their order; to manage and economically improve
and apply the monies and other property and estate of the
Society; to appoint, contract with, send out, direct, recal and
pay Missionaries, Catechists and Schoolmasters, as shall best
answer the design of the institution; to purchase and disperse
among

Business and
powers of
Trustees.

among the Indians and inhabitants of the new settlements, copies of the Holy Bible, and other pious and Christian writings, and necessary school books; to appoint such subordinate officers and agents as shall be necessary in managing the interest and property of the Society; to maintain a diligent and friendly correspondence with other Missionary Societies; to call special meetings of the Society upon emergent occasions; and to do every other thing conformably to the general directions of the Society, and the first principles of the institution, as expressed in the second article of this constitution, which shall be advantageous to the propagation of the gospel of CHRIST: The Trustees shall meet twice in each year, and as much oftener as they find necessary; and seven members at any meeting shall be a quorum for doing business.

ART. 6. The Trustees shall report to the Society, at every annual meeting, their doings the preceding year, and propose such measures as they shall judge to be useful to the Society.

ART. 7. The Society shall annually appoint a Committee to examine the accounts of the Treasurer, and make a report of the state of the treasury at the next annual meeting.

ART. 8. Any amendment may be made to this constitution, provided it be proposed in writing at an annual meeting of the Society, and adopted at a subsequent meeting by two-thirds of the members present.

ART. 9. The officers of the Society, in the first instance, shall be chosen by the convention by whom this constitution is ratified.

And whereas said Society have raised considerable funds, out of which they have from time to time contributed to the benevolent purposes of the institution; and said Society finding difficulties and embarrassments for want of an incorporation, and having petitioned this Court for an Act remedial of said difficulties and embarrassments, and their intentions and designs appearing laudable and worthy of encouragement;

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the constitution aforesaid, and the doings of said Society in conformity thereto, are hereby ratified, confirmed and established; and that His Excellency Caleb Strong, Esq. of Northampton, Rev. Samuel Hopkins, D. D. of Hadley, Hon. John Hastings, Esq. of Hatfield, Rev. Joseph Lathrop, D. D. of West-Springfield, Hon. Ebenezer Hunt, Esq. of Northampton, Rev. Joseph Lyman, D. D. of Hatfield, Justin Ely, Esq. of West-Springfield, Rev. Solomon Williams, of Northampton, William Billings, Esq. of Conway, Rev. David Parsons, D. D. of Amherst, Charles Phelps, Esq. of Hadley, Rev. Richard S. Stors, of Longmeadow, and their associates, members of said Society, be, and they*

Annual report
to be made

Treasurer's ac-
counts to be
examined.

Amendments
may be made.

First officers.

Names of pre-
sent members.

they hereby are incorporated and made a Body Politic, for the purposes aforesaid, by the name and style of *The Hampshire Missionary Society*: And the Society aforesaid shall have perpetual succession; and may have a common seal, which it shall be lawful for them to change, break, alter and make new at pleasure: And said Society is hereby made capable in law of receiving from any person or persons, charitably disposed to aid the benevolent purposes of this institution, any grants or devises of lands or tenements in fee simple, or for a lesser estate; and all subscriptions, donations and bequests of money, or any other personal estate, to any amount not exceeding *twenty thousand dollars*; and that all grants, donations, subscriptions, devises and bequests, made to the Society aforesaid, shall be improved in such a manner as the Trustees of said Society shall judge most conducive to answer the designs of the institution.

Corporation
may accept of
grants.

SECT. 2. *Be it further enacted*, That the Society aforesaid shall at all times have power to sue, and may be sued, and may defend, and shall be held to answer by the name, style and title aforesaid: And if it should so happen that said Society shall become seized of lands and tenements, it shall be lawful by deed, under the hand and seal of their President for the time being, to sell and convey the same, *provided* such sale shall be made and concluded on by the Trustees aforesaid.

— may sue &
be sued, con-
vey lands, &c.

SECT. 3. *And be it further enacted*, That the Trustees aforesaid, upon the death of the President or Vice-President, be, and hereby are empowered, if they judge it essential to the interests of the institution, to appoint a successor, the person so appointed to continue in office until the next annual meeting of said Society for the choice of officers.

Case of the de-
cease of the
President or
Vice-Presidents

And to the end that the members of said Society, and all contributors to said design, may know the state of the funds of said Society, and the disposition thereof, and of all the donations made to said Society:

SECT. 4. *Be it enacted*, That particular accounts of such funds, and the dispositions thereof, shall be exhibited by the Treasurer and Recording Secretary, at the stated annual meeting of said Society, a Committee of said Society having first examined and certified the same to be true; and fair entries shall be made in proper books, provided for that purpose, of all donations made to said Society, and of all the estate, both real and personal, belonging to the same; and said books shall be brought to the general stated meetings, and be there open for the perusal and examination of the members.

Accounts of
funds to be ex-
hibited, & of
donations to be
recorded.

SECT. 5. *And be it further enacted*, That it shall be the duty of said Society to lay before the General Court any altera-

Proposed alter-
ations in the
Society's con-
stitution

stitution to be tions and amendments that may be made by said Society in
 stated to the the Constitution aforesaid, that said General Court may disal-
 Court. low or confirm the same at their discretion.

[This Act passed February 21, 1804.]

An ACT to establish an Academy in the Town of
Sandwich, in the County of *Barnstable*, and to create
 a Corporation of Trustees for the same.

Preamble.

WHEREAS the encouragement of literature in the ri-
 sing generation has ever been considered by the wise
 and good as the basis upon which the safety and happiness of a
 free people ultimately depend: And whereas the Rev. *Jonathan Burr*, and others, have petitioned this Court for the estab-
 lishment of an Academy in *Sandwich*, in the county of *Barn-
 stable*, for that purpose:

Academy
 tablified.

ef-

SECT. 1. *Be it enacted by the Senate and House of Representa-
 tives, in General Court assembled, and by the authority of the same,*
 That there be and hereby is established in the town of *Sand-
 wich*, in the county of *Barnstable*, an Academy by the name
 of *Sandwich Academy*, for the purpose of promoting piety and
 virtue, and for the education of youth in such languages and
 in such liberal arts and sciences as the Trustees hereinafter
 provided shall order and direct.

Trustees'
 names.

SECT. 2. *And be it further enacted, That the Rev. Jonathan Burr, Hon. Nathaniel Freeman, Esq. Dr. Jonathan Leonard, Wendell Davis, Esq. James Freeman, Esq. Mr. William Fessenden, Rev. Henry Lincoln, Rev. Oakes Shaw, Mr. William Bodfish, Rev. Levi Whitman, Rev. John Simpkins, Richard Sears, Esq. David Scudder, Esq. Rev. Nathan Stone, Thomas Thacher, Esq. Rev. Jude Damon, Mr. Stephen Bassett, and Thomas Jones, Esq. be, and hereby are nominated and appointed Trustees of said Academy, and they are hereby incorporated into a Body Politic by the name of The Trustees of Sandwich Academy, in the county of Barnstable; and they and their successors shall be and continue a Body Politic and Corporate by the same name forever.*

— may have a
 seal, &c.

SECT. 3. *And be it further enacted, That the said Trustees and their successors shall have one common seal, which they may break, change and renew from time to time, as they shall see fit, and they may sue and be sued in all actions, real, personal and mixed, and prosecute and defend the same to final judgment and execution, by the name of The Trustees of Sandwich Academy, in the county of Barnstable, and may appoint an agent or agents to prosecute or defend such suit or suits.*

SECT.

SECT. 4. *And be it further enacted*, That the said *Jonathan Burr* and others, the Trustees aforesaid, and their successors, be, and they are hereby made the Visitors, Trustees and Governors of the said Academy, in perpetual succession forever, to be continued in the way and manner hereafter specified, with full power and authority to elect such officers of the said Academy as they shall judge necessary and convenient, and to make and ordain such laws, orders and rules, not repugnant to the laws of this Commonwealth, for the good government of said Academy, as to them shall seem fit and requisite.

SECT. 5. *And be it further enacted*, That the number of the Trustees aforesaid shall not at any time be more than eighteen, nor less than nine, five of whom, at least, shall be necessary to constitute a quorum for transacting business.

SECT. 6. *And be it further enacted*, That as often as one or more of the Trustees aforesaid shall die or resign, or in the judgment of the major part of the Trustees shall be rendered incapable, by age or otherwise, of discharging the duties of his office, the Trustees then surviving may elect one or more persons to fill the vacancy or vacancies.

SECT. 7. *And be it further enacted*, That the Trustees aforesaid, and their successors, be, and they hereby are rendered capable in law to take and hold, by gift, grant, devise, bequest or otherwise, any lands, tenements, or other estate, real or personal, which have heretofore been given or subscribed, or which may hereafter be given or subscribed for the purpose aforesaid: *Provided*, That the annual income of the said real estate shall not exceed the sum of *two thousand dollars*, and the annual income of the said personal estate shall not exceed the sum of *five thousand dollars*: And all deeds and instruments which the said Trustees may lawfully make, shall be sealed with their seal, and shall bind the Trustees and their successors, and be valid in law.

SECT. 8. *And be it further enacted*, That there be, and hereby is granted to the said Trustees and to their successors forever, for the use of the said Academy, one half township of six miles square of the unappropriated lands belonging to this Commonwealth in the district of *Maine*, (excepting the ten townships on *Penobscot River*, and a township north of the *Waldo Patent*, reserved for public purposes,) to be laid out and assigned by the Commissioners for the sale of eastern lands; under the restrictions and reservations made in similar cases; on condition that the Treasurer of said Trustees shall certify to said Commissioners, that the sum of *three thousand dollars* has been actually raised and secured for the endowment of said Academy, and appropriated to the use thereof forever.

First meeting.

SECT. 9. *And be it further enacted by the authority aforesaid, That Nathaniel Freeman, Esq. be, and he hereby is authorized and empowered to appoint the time and place of holding the first meeting of said Trustees, and notify them thereof.*

[This Act passed February 21, 1804.]

An ACT to incorporate *Joseph Russell*, and others, into a Company, by the Name of *The North-American Insurance Company*.

Corporation
may sue & be
sued, &c.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said Joseph Russell, and others, and all such persons as have already, or shall hereafter become Stockholders in the said Company, be, and hereby are incorporated into a Company and Body Politic, by the name of The North-American Insurance Company, for and during the term of twenty years after the passing of this Act; and by that name may sue or be sued, plead or be impleaded, appear, prosecute and defend to final judgment and execution; and have a common seal, which they may alter at pleasure; and may purchase, hold and convey any estate real or personal for the use of said Company, subject to the restrictions hereinafter mentioned.*

Value & num-
ber of shares.

SECT. 2. *And be it further enacted, That the capital stock of the said Company shall be divided into shares of one hundred dollars each, which shall be paid in to the said Company in manner provided in the ninth section of this Act; and the whole number of shares shall be three thousand; and the whole capital stock, estate and property, which the said Company shall be authorized to hold, shall never exceed three hundred thousand dollars, exclusive of premium notes and profits arising from the business of said Company; of which capital stock not more than fifty thousand dollars shall at any time be invested in real estate.*

Directors to be
chosen.

SECT. 3. *And be it further enacted, That the stock, property, affairs and concerns of the said Company shall be managed and conducted by seven Directors, one of whom shall be President thereof, who shall hold their offices for one year, and until others are chosen, and no longer; and who shall, at the times of their election, be Stockholders, and citizens of this Commonwealth; and shall be elected on the second Monday of January in each and every year, at such time of the day, and in such a place in the town of Boston as a majority of the Directors for the time being shall appoint, of which election public notice shall be given in at least two of the newspapers printed in the town of Boston, and continued for the space of ten days immediately preceding such election; and the election shall be holden*

under

under the inspection of three Stockholders, not being Directors; and the election shall be made by ballot by a majority of the votes of the Stockholders present, allowing one vote to each share in the capital stock: *Provided*, That no Stockholder shall be allowed more than ten votes; and the Stockholders not present may vote by proxy, under such regulations as the Company shall prescribe: And if through any unavoidable accident the said Directors shall not be chosen on the second Monday of *January* as aforesaid, it shall be lawful to choose them on any other day, in the manner herein prescribed: *Provided*, That no person being a Director of any other Company carrying on the business of marine insurance, shall be eligible as a Director of the Company by this Act established.

Stockholders
may vote by
proxy.

SECT. 4. *And be it further enacted*, That the Directors when chosen shall meet as soon as may be after every election, and shall choose out of their body one person to be President, who shall be sworn faithfully to discharge the duties of his office, and who shall preside for one year; and in case of the death, resignation or inability to serve of the President or any Director, such vacancy or vacancies shall be filled for the remainder of the year in which they happen, by a special election for that purpose, to be held in the same manner as herein before directed respecting annual elections for Directors.

A President to
be chosen.

SECT. 5. *And be it further enacted*, That the President and three of the Directors, or four of the Directors in the absence of the President, shall be a Board competent for the transaction of business; and all questions before them shall be decided by a majority of votes; and they shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of said Company, and the transfer of the shares, and touching the duties and conduct of the several officers, clerks and servants employed, and the election of Directors, and all such matters as appertain to the business of insurance; and shall also have power to appoint a Secretary, and so many clerks and servants for carrying on the said business, and with such salaries and allowances to them, and to the President, as to the said Board shall seem meet: *Provided*, That such by-laws, rules and regulations shall not be repugnant to the Constitution or laws of this Commonwealth.

Board to trans-
act business.

A Secretary &
Clerks to be ap-
pointed.

SECT. 6. *And be it further enacted*, That there shall be stated meetings of the Directors at least once in every month, and as often within each month as the President and Board of Directors shall deem proper; and the President and a Committee of two of the Directors, to be by him appointed in rotation, shall assemble daily, if need be, for the dispatch of business: And the said Board of Directors, or the Committee aforesaid, at and during

Meetings of
Directors, their
powers, &c.

during the pleasure of said Board, shall have power and authority on behalf of the Company, to make insurance on vessels, freight, money, goods and effects, and against captivity of persons during their absence at sea, and on the life of any person, and in cases of money lent on *bottomry* and *respondentia*; and to fix the premiums and terms of payment: And all policies of insurance, by them made shall be subscribed by the President, or in case of his death, sickness, inability or absence, by any two of the Directors, and countersigned by the Secretary, and shall be binding and obligatory upon the said Company, and have the like effect and force as if under the seal of said Company; and all losses duly arising under any policy so subscribed, may be adjusted and settled by the President and Board of Directors, and the same shall be binding on the Company.

Semi-annual
dividends to be
made.

SECT. 7. *And be it further enacted,* That it shall be the duty of the Directors, on the first Monday of *July* and *January* in every year, to make dividends of so much of the interest arising from their capital stock, and the profits of said Company, as to them shall appear adviseable; but the monies received, and notes taken for premiums on risks, which shall be undetermined and outstanding at the time of making such dividends, shall not be considered as part of the profits of the Company: And in case of any loss or losses whereby the capital stock of the Company shall be lessened, before all the instalments are paid in, each Proprietor or Stockholder's estate shall be held accountable for the instalments that may remain unpaid on his share or shares at the time of such loss or losses taking place; and no subsequent dividend shall be made, until a sum arising from the profits of the business of the Company, equal to such diminution shall have been added to the capital; and that once in every three years, and oftener if required by a majority of the votes of the Stockholders, the Directors shall lay before the Stockholders, at a general meeting, an exact and particular statement of the profits, if any there be, after deducting losses and dividends.

Case of loss di-
minishing the
capital.

Company not
to be concern-
ed in trade.

SECT. 8. *And be it further enacted,* That the said Company shall not directly nor indirectly deal or trade in buying or selling any goods, wares, merchandize or commodities whatever; and the capital stock of said Company, after being collected at each instalment, shall, within six months, be invested either in the funded debt of the *United States*, or of this Commonwealth, or in the stock of the *United States Bank*, or of any incorporated Bank in this Commonwealth, in either or all of them, and in such proportion as may be most for the interest of said Company, at the discretion of the President and Directors of said Company, or of such other person or persons as said Stockholders shall for such purpose at any meeting appoint.

SECT.

SECT. 9. *And be it further enacted,* That fifty dollars on each share in said Company shall be paid in money, within twenty days after the first meeting of said Company, and the remaining sum of fifty dollars on each share shall be paid in money, within one year afterwards, by such equal instalments, and under such penalties as the said Company shall direct; and no transfer of any share in said Company shall be permitted, or valid, until all the instalments made on such share shall have been paid.

Instalments
when to be
paid.

SECT. 10. *And be it further enacted,* That the property of any member of said Company, vested in the stock of said Company, with the dividend or dividends due thereon, shall be liable to attachment and execution, in favour of any *bona fide* creditor, in manner following, viz. Whenever a proper officer, having a writ of attachment or execution against any such member, shall apply with such writ or execution to the Secretary of said Company, it shall be the duty of said Secretary to expose the books of the Corporation to such officer, and furnish him with a certificate under his hand, in his official capacity, ascertaining the number of shares the said member holds in said Company, and the amount of the dividend or dividends due thereon; and when any such share or shares shall be attached on *mesne process*, or taken in execution, an attested copy of such writ of attachment or execution shall be left with the said Secretary; and such share or shares may be sold on execution, after the same notification of the time and place of sale, and in the same mode of sale as other personal property; and it shall be the duty of the officer making such sale, within ten days thereafter, to leave an attested copy of the execution, with his return thereon, with the Secretary of the Company, and the vendee shall thereby become the Proprietor of such share or shares, and entitled to the same, and to all the dividends which shall have accrued thereon after the taking in execution as aforesaid, or when there shall have been a previous attachment, after such attachment, notwithstanding any intervening transfer.

Stockholders'
property liable
to attachment.

SECT. 11. *And be it further enacted,* That in case of any loss or losses taking place, that shall be equal to the amount of the capital stock of the said Company, and the President or Directors, after knowing of such loss or losses taking place, shall subscribe to any policy of insurance, their estates jointly and severally shall be accountable for the amount of any and every loss that shall take place under policies so subscribed.

Directors'
property liable
in a certain
case.

SECT. 12. *And be it further enacted,* That the President and Directors of said Company shall, previous to their subscribing to any policy, and once in every year after, publish in two of the newspapers printed in the town of Boston, the amount of their stock, against what risks they mean to insure, and the largest

Amount of
stock to be pub-
lished.

largest sum they mean to take on any one risk : *Provided nevertheless*, That the said President and Directors shall not be allowed to insure on any one risk a larger sum than *ten per centum* of the amount of the capital stock of said Corporation actually paid in.

Statement of Directors of said Company shall, when, and as often as required by the Legislature of this Commonwealth, lay before them a statement of the affairs of said Company, and submit to an examination concerning the same under oath.

Persons authorized to call first meeting. *SECT. 14. And be it further enacted*, That *Joseph Russell, John May, and Thomas Perkins*, or any two of them, are hereby authorized to call a meeting of the members of said Company as soon as may be, in *Boston*, by advertizing the same for three weeks successively, in two of the newspapers printed in said town, for the purpose of their electing a first Board of Directors, who shall continue in office until the second Monday of *January*, one thousand eight hundred and five.

[This Act passed *February 21, 1804.*]

An ACT to establish a Fund for the Support of the Gospel Ministry, in the First Parish of the Town of *Groton*, in the County of *Middlesex*, and to appoint Trustees for the Management thereof.

Who are to be Trustees. *SECT. 1. BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the three senior Selectmen of said town for the time being, the Treasurer of said parish, and the junior Deacon by age of the Church in said parish, both for the time being, be, and they are hereby constituted a Body Politic and Corporate by the name of *The Trustees of Groton Ministerial Fund*; and they and their several successors, in their respective offices, shall continue a Body Politic and Corporate by that name forever; and by the same name may sue and be sued in all actions, and pursue and defend the same to final judgment and execution : *Provided always*, That whenever either of said Selectmen or said Deacon shall be Treasurer as aforesaid, or whenever said Treasurer shall be the said Deacon, and also one of said Selectmen, then the next senior Selectman by choice, and the next junior Deacon by age, or one of them, as the case may require, shall belong to said Corporation; or whenever such Deacon shall be a Selectman as aforesaid, in that case the next junior Deacon as aforesaid shall be one of said Trustees, to the end that the said Corporation may always consist of five members.

SECT.

SECT. 2. *And be it further enacted*, That any gift, grant, bequest or devise hereafter made to said Trustees, shall be valid and effectual, to all intents and purposes whatever; and they and their successors as aforesaid are hereby empowered, by purchase or operation of law, to take, have, hold, use, improve and manage any estate, real or personal, the annual income whereof shall not exceed the sum of *two thousand dollars*, in trust, for the support and maintenance of the gospel ministry in said parish; and whenever the nett annual income or interest of such fund or estate shall amount to the sum of *six hundred dollars*, and not before, the said Trustees shall proceed to pay the same quarterly to such Teacher or Teachers of religion as shall be regularly ordained and settled in said parish, by the joint concurrence of the inhabitants and Church thereof; and such Teacher or Teachers of religion shall be entitled to recover the same by action of debt against said Trustees: And during any vacancy in said parish of a regular ordained and settled Minister, they shall appropriate such income or interest to the increase of the principal fund; any thing herein to the contrary notwithstanding.

Amount of estate limited, & when the income may be appropriated.

SECT. 3. *And be it further enacted*, That nothing herein contained shall be construed to alter, impair, vacate, or in any wise affect the contract now existing between said parish and their present Minister; but the proceeds of said fund, whenever the same shall be paid to him in manner aforesaid, shall be deemed to be in satisfaction of his salary, for the time being, so far as the same will apply to the discharge thereof.

Provision respecting the existing contract.

SECT. 4. *And be it further enacted*, That the said Trustees may assemble and meet together as often as they may think necessary for the promotion of their trust, any three of whom shall constitute a Board for doing business; but the concurrence of three, at least, shall be requisite to every act and proceeding whatever; they may determine the manner of calling meetings; they may appoint a Clerk, an agent or agents, and other needful officers and committees; they may make reasonable rules, regulations and by-laws, and annex penalties for the breach thereof, not repugnant to the laws of this Commonwealth; they may have a common seal, and change the same at pleasure; and they may alienate, by good and sufficient deeds in law, any real estate, the title whereof shall be vested in them by way of mortgage or by operation of law.

The Trustees are to meet, appoint officers, make rules, &c.

SECT. 5. *And be it further enacted*, That the Clerk of said Corporation, who shall be a member thereof, and shall be sworn in the same manner as town officers are, to the faithful performance of the duties of his office, shall have the care and custody of all papers and documents belonging to said Trustees; and shall carefully and fairly record all their votes and proceedings

A Clerk to be sworn, his duties prescribed.

proceedings in a book kept for that purpose, and shall certify the same when thereunto required; and he shall call meetings when he may think the same necessary; or when thereto directed by said Trustees; and do whatever else may be incident to said office: And he shall deliver up to his successor in office, as soon as may be, all the records, papers and documents in his hands, in good order and condition; and if he shall neglect so to do for the space of thirty days next after such successor shall be duly appointed, he shall forfeit and pay a fine of *fifty dollars*, and the further sum of *thirty dollars* per month for such neglect afterwards.

Duties & powers of the Treasurer.

SECT. 6. *And be it further enacted*, That the said parish Treasurer shall always be the Treasurer of said Trustees, and the receiver of all money and effects due, owing and coming to them; and may demand, sue for, and recover the same in their name, unless prohibited by them; and he shall have the care and custody of all the money and effects, obligations and securities for the payment of money or other things, and all evidences of property belonging to said Trustees, and be accountable to them therefor, and shall dispose of the same as they shall order and direct; and shall render an account of his doings, and exhibit a fair and regular statement of the property and evidences of property in his hands, whenever they shall require the same to be done; and he shall deliver up to his successor in office, as soon as may be, all the books and papers, property and evidences of property in his hands, in good order and condition; and shall give bond to said Trustees and their successors, with sufficient sureties, to be approved by them, in the penal sum of *twenty thousand dollars*, at least, condition to do and perform all the duties incumbent on him as their Treasurer; and if he shall fail to deliver up the same as aforesaid, or neglect to give bond as aforesaid, for the space of thirty days next after such Treasurer shall be duly chosen; he shall forfeit and pay a fine of *fifty dollars*, and the further sum of *thirty dollars* per month for such failure or neglect afterwards.

The Trustees are amenable to the inhabitants for their conduct.

SECT. 7. *And be it further enacted*, That it shall be the duty of said Trustees to use and improve such fund or estate as shall be vested in them by virtue of this Act with care and vigilance, so as best to promote the design thereof; and they shall be amenable to the inhabitants of said parish for negligence or misconduct in the management or disposition thereof, whereby the same shall be impaired, or suffer loss, waste or diminution; and the inhabitants of said parish may have and maintain a special action of the case against the proper persons of said Trustees, and their goods and estate, jointly and severally, for such negligence or misconduct, and recover adequate

adequate damages therefor; and any sum so recovered shall be deemed to be for the benefit of said fund, and shall be paid to said Trustees, who may have an action of debt therefor accordingly.

SECT. 8. *And be it further enacted*, That the said Trustees shall cause to be recorded and kept in their book of records by their Clerk, a statement of the funds and estate in their hands, wherein shall be particularly designated the nature and amount of each original grant or donation, the period when made, the design thereof, and the donor's or grantor's name and place of abode at large, with such other circumstances as they may think useful or proper, to distinguish the same and perpetuate the remembrance thereof; and they shall make report of such statement to the inhabitants of said parish at their meeting in the month of *March* or *April* annually, where the same shall be publickly read, or to a select Committee, if said parish shall choose one for that purpose; together with a specific estimate of what estate they actually hold, and by what tenure; what money and effects are due to them, and how the same are secured; and what receipts have been obtained, and disbursements made by them the preceding year.

A statement of funds and donations to be recorded, and annually read.

SECT. 9. *And be it further enacted*, That the said Trustees shall always loan, upon interest, all the money belonging to said funds, in sums of not less than *two hundred dollars* each, and for the term of one year, upon the bond or note of the borrower, with a mortgage of real estate to three times the value of the sum loaned, as collateral security for the repayment of the principal sum, with interest annually till paid; and if any debtor to said Corporation shall fail to pay the interest due on his bond or note for the space of ten days after the same shall become due, it shall be the duty of said Treasurer to cause such bond or note, and mortgage, to be put in suit, and prosecuted until it shall be obtained.

Trustees to loan the money belonging to said funds.

SECT. 10. *And be it further enacted*, That if said Trustees shall fail to pay the annual income of said fund to the settled minister, as herein before provided, for the space of thirty days after the same shall become payable as aforesaid, or if they shall neglect to make report to said parish in the month of *March* or *April* annually, or to a select Committee, as in this Act directed, they shall severally forfeit, for each offence, the sum of *fifty dollars*, and the further sum of *thirty dollars* per month afterwards, until they shall make payment of said income as aforesaid: *Saving always*, That the said Trustees shall not be liable to the forfeiture aforesaid for non-payment of said income, if they shall prosecute as before in this Act provided, within thirty days after the same shall become due, for the recovery thereof.

Penalty for the Trustees neglecting their duties.

SECT.

Trustees to be
compensated.

SECT. 11. *And be it further enacted*, That the said Trustees shall be entitled to receive a reasonable compensation, to be paid by said parish, for their services in managing and taking care of said funds and estate; but no part of such funds or estate, or the income thereof, shall ever be appropriated to that purpose.

Recovery
of fines, &c.

SECT. 12. *And be it further enacted*, That all fines and forfeitures incurred for any breach of this Act, shall and may be recovered by action of debt by the inhabitants of said parish, if they shall sue for the same within six months after the same shall be incurred, to the use and benefit of said fund, to be paid to said Trustees accordingly; otherwise by any person who shall sue therefor, one moiety thereof to his own use, and the other moiety thereof to the use and benefit of said fund, and shall be paid to said Trustees accordingly, and they may have an action of debt to recover the same.

SECT. 13. *And be it further enacted*, That the said Treasurer is hereby authorized and directed to appoint the time and place for holding the first meeting of said Trustees, and to warn such meeting accordingly.

[This Act passed February 21, 1804.]

An ACT to set off *Ebenezer Baker*, with that Part of his Farm which lies in the Town of *Sharon*, and to annex the same to the Town of *Walpole*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Ebenezer Baker*, with his family, and all that part of his farm which lies in the town of *Sharon*, be, and hereby is set off from the said town of *Sharon*, and annexed to the town of *Walpole*: *Provided*, That the said *Baker* shall be held to pay his proportion of all town or parish charges assessed upon him prior to the date of this Act.

[This Act passed February 28, 1804.]

Feb. 22, 1803.

An ACT in addition to an Act, entitled, "An Act empowering *Aaron Porter*, and others, to construct Locks and open a navigable Canal by *Saco Falls* on *Saco River*."

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Proprietors incorporated in and by an Act, entitled, "An Act empowering *Aaron Porter*, and others,

ers, to construct locks and open a navigable Canal by *Saco Falls*, on *Saco River*," at any legal meeting, may make and agree upon all such rules, regulations and by-laws, (not repugnant with the laws of said Commonwealth,) as they may deem necessary or expedient for the management of their concerns, and the completion of the object of their incorporation; which rules, regulations and by-laws so made shall be binding on said Corporation.

Proprietors
authorized to
make by-laws,
&c.

SECT. 2. *And be it further enacted by the authority aforesaid*, That whenever any of said Proprietors shall neglect or refuse to pay any tax or assessment duly voted and agreed upon by said Corporation, to their Treasurer, on or before the day set for payment thereof, the said Treasurer is hereby authorized to sell at public vendue the share or shares of such delinquent Proprietor, one or more, as shall be sufficient to raise and pay the sum or sums due on said shares as aforesaid, and incidental charges, after duly notifying such intended sale fourteen days beforehand, by posting one notification thereof in *Biddeford*, and one in *Pepperelborough*, at a public place in each town, and such additional notice as the Directors may order; and such sale shall be a sufficient transfer of such share or shares; and the purchaser, on producing a certificate of the sale of such share or shares as aforesaid, from the Treasurer or Clerk of said Corporation, shall have his name, with the share or shares so sold, entered on the book of the Corporation, and such purchaser shall be considered, to all intents, the owner of such share or shares; and the overplus, if any, arising from such sale, shall be returned by the Treasurer to the person who owned such share or shares at the time of such sale.

Shares of de-
linquents may
be sold.

SECT. 3. *And be it further enacted by the authority aforesaid*, That all rules, regulations and by-laws already agreed on, and all votes passed by said Proprietors, be, and the same are hereby fully confirmed and established, *provided* they are not repugnant to the laws of said Commonwealth.

Rules, &c. con-
firmed.

[This Act passed February 28, 1804.]

An ACT to incorporate *Nathaniel Fellowes*, and others, into a Company, by the Name of *The Union Insurance Company*.

Additional Act,
Feb. 4, 1805.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the said *Nathaniel Fellowes*, and others, and all such persons as have already, or shall hereafter become Stockholders in the said Company, be, and hereby are incorporated into a Company and Body Politic, by the name of *The Union*

Corporation
may sue & be
sued, &c.

Union Insurance Company, for and during the term of twenty years after the passing of this Act; and by that name may sue or be sued, plead or be impleaded, appear, prosecute and defend to final judgment and execution, and have a common seal, which they may alter at pleasure; and may purchase, hold and convey any estate, real or personal, for the use of said Company, subject to the restrictions hereinafter mentioned.

Value & num-
ber of shares.

SECT. 2. *And be it further enacted*, That the capital stock of the said Company shall be divided into shares of *one hundred dollars* each, which shall be paid in to the said Company in manner provided in the ninth section of this Act; and the whole number of shares shall be three thousand; and the whole capital stock, estate and property which the said Company shall be authorized to hold, shall never exceed *three hundred thousand dollars*, exclusive of premium notes, and profits arising from the business of said Company; of which capital stock not more than *fifty thousand dollars* shall at any time be invested in real estate.

Directors to be
chosen.

SECT. 3. *And be it further enacted*, That the stock, property, affairs and concerns of the said Company shall be managed and conducted by seven Directors, one of whom shall be President thereof, who shall hold their offices for one year, and until others are chosen, and no longer; and who shall, at the times of their election, be Stockholders, and citizens of this Commonwealth; and shall be elected on the second Monday of *January*, in each and every year, at such time of the day, and in such a place in the town of *Boston*, as a majority of the Directors for the time being shall appoint, of which election public notice shall be given in at least two of the newspapers printed in the town of *Boston*, and continued for the space of ten days immediately preceding such election; and the election shall be holden under the inspection of three Stockholders, not being Directors, and the election shall be made by ballot, by a majority of the votes of the Stockholders present, allowing one vote to each share in the capital stock: *Provided*, That no Stockholder shall be allowed more than ten votes; and the Stockholders not present may vote by proxy, under such regulations as the Company shall prescribe: And if through any unavoidable accident the said Directors should not be chosen on the second Monday of *January* as aforesaid, it shall be lawful to choose them on any other day, in the manner herein prescribed.

Stockholders
may vote by
proxy.

A President to
be chosen.

SECT. 4. *And be it further enacted*, That the Directors when chosen shall meet as soon as may be after every election, and shall choose out of their body one person to be President, who shall be sworn faithfully to discharge the duties of his office, and who shall preside for one year; and in case of the death, resignation, or inability to serve, of the President or any Director, such vacancy or vacancies shall be filled, for the remainder of the year

in

in which they happen, by a special election for that purpose, to be held in the same manner as herein before directed respecting annual elections for Directors.

SECT. 5. *And be it further enacted*, That the President and three of the Directors, or four of the Directors in the absence of the President, shall be a Board competent for the transaction of business; and all questions before them shall be decided by a majority of votes; and they shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of said Company, and the transfer of the shares, and touching the duties and conduct of the several officers, clerks and servants employed, and the election of Directors, and all such matters as appertain to the business of insurance; and shall also have power to appoint a Secretary, and so many clerks and servants for carrying on the said business, and with such salaries and allowances to them, and to the President, as to the said Board shall seem meet: *Provided*, That such by-laws, rules and regulations shall not be repugnant to the Constitution or laws of this Commonwealth.

Board to trans-
act business.

A secretary &
clerks to be ap-
pointed.

SECT. 6. *And be it further enacted*, That there shall be stated meetings of the Directors at least once in every month, and as often within each month as the President and Board of Directors shall deem proper; and the President, and a Committee of two of the Directors, to be by him appointed in rotation, shall assemble daily, if need be, for the dispatch of business; and the said Board of Directors, or the Committee aforesaid, at and during the pleasure of said Board, shall have power and authority, on behalf of the Company, to make insurances on vessels, freight, money, goods and effects, and against captivity of persons, and on the life of any person during his absence by sea, and in cases of monies lent, upon *bottourry* and *respondentia*; and to fix the premiums and terms of payment: And all policies of insurance by them made shall be subscribed by the President, or in case of his death, sickness, inability or absence, by any two of the Directors, and countersigned by the Secretary, and shall be binding and obligatory upon the said Company, and have the like effect and force as if under the seal of the said Company; and all losses duly arising under any policy so subscribed, may be adjusted and settled by the President and Board of Directors, and the same shall be binding on the Company.

Meetings of
Directors, their
powers, &c.

SECT. 7. *And be it further enacted*, That it shall be the duty of the Directors, on the first Monday of *July* and *January* in every year, to make dividends of so much of the interest arising from their capital stock, and the profits of the said Company, as to them shall appear adviseable; but the monies received, and

Semi-annual
dividends to be
made.

notes

Case of loss diminishing the capital.

notes taken for premiums on risks, which shall be undetermined and outstanding at the time of making such dividends, shall not be considered as part of the profits of the Company: And in case of any loss or losses whereby the capital stock of the Company shall be lessened, before all the instalments are paid in, each Proprietor or Stockholder's estate shall be held accountable for the instalments that may remain unpaid on his share or shares, at the time of such loss or losses taking place; and no subsequent dividend shall be made until a sum arising from the profits of the business of the Company, equal to such diminution, shall have been added to the capital; and that once in every three years, and oftener if required by a majority of the votes of the Stockholders, the Directors shall lay before the Stockholders, at a general meeting, an exact and particular statement of the profits, if any there be, after deducting losses and dividends.

Company not to be concerned in trade.

SECT. 8. *And be it further enacted*, That the said Company shall not directly nor indirectly deal or trade in buying or selling any goods, wares, merchandize or commodities whatsoever; and the capital stock of said Company, after being collected at each instalment, shall, within six months, be invested either in the funded debt of the *United States*, or of this Commonwealth, or in the stock of the *United States' Bank*, or of any incorporated Bank in this Commonwealth, in either or of all of them, and in such proportions as may be most for the interest of said Company, at the discretion of the President and Directors of said Company, or of such other person or persons as said Stockholders shall for such purpose at any meeting appoint.

Instalments when to be paid.

SECT. 9. *And be it further enacted*, That *fifty dollars* on each share in said Company shall be paid in money within twenty days after the first meeting of said Company; and the remaining sum of *fifty dollars* on each share shall be paid in money within one year afterwards, at such equal instalments, and under such penalties as the said Company shall direct; and no transfer of any share in said Company shall be permitted, or be valid, until the whole capital stock shall have been paid in.

A Director in another Company ineligible in this.

SECT. 10. *And be it further enacted*, That no person being a Director of any other Company carrying on the business of marine insurance, shall be eligible as a Director of the Company by this Act established.

Stockholders' property liable to attachment.

SECT. 11. *And be it further enacted*, That the property of any member of said Company, vested in the stock of said Company, with the dividend or dividends due thereon, shall be liable to attachment and execution in favour of any *bona fide* creditor, in manner following, viz. Whenever a proper officer, having a writ of attachment or execution against any such member, shall apply with such writ or execution to the Secretary of said Company, it shall be the duty of said Secretary to expose

expose the books of the Corporation to such officer, and furnish him with a certificate, under his hand in his official capacity, ascertaining the number of shares the said member holds in said Company, and the amount of the dividend or dividends due thereon; and when any such share or shares shall be attached on *mesne process*, or taken in execution, an attested copy of such writ of attachment or execution shall be left with the said Secretary; and such share or shares may be sold on execution, after the same notification of the time and place of sale, and in the same mode of sale as other personal property; and it shall be the duty of the officer making such sale, within ten days thereafter, to leave an attested copy of the execution, with his return thereon, with the Secretary of the Company, and the vendee shall thereby become the Proprietor of such share or shares, and entitled to the same, and to all the dividends which shall have accrued thereon after the taking in execution aforesaid, or when there shall have been a previous attachment, after such attachment, notwithstanding any intervening transfer.

SECT. 12. *And be it further enacted*, That in case of any loss or losses taking place that shall be equal to the amount of the capital stock of the said Company, and the President or Directors, after knowing of such loss or losses taking place, shall subscribe to any policy of insurance, their estates jointly and severally shall be accountable for the amount of any and every loss that shall take place under policies so subscribed.

Directors' property liable in a certain case.

SECT. 13. *And be it further enacted*, That the President and Directors of said Company shall, previous to their subscribing to any policy, and once in every year after, publish in two of the newspapers printed in the town of *Boston*, the amount of their stock, against what risks they mean to insure, and the largest sum they mean to take on any one risk; but in no case shall they be allowed to take a greater sum than *ten per centum* on their capital stock actually paid in.

Amount of stock to be published.

SECT. 14. *And be it further enacted*, That the President and Directors of said Company shall, when, and as often as required by the Legislature of this Commonwealth, lay before them a statement of the affairs of said Company, and submit to an examination concerning the same under oath.

Statement of affairs to be laid before the Court.

SECT. 15. *And be it further enacted*, That *Nathaniel Fellowes*, *Thomas K. Jones*, and *James Prince*, or any two of them, are hereby authorized to call a meeting of the members of said Company as soon as may be, in *Boston*, by advertizing the same for three weeks successively, in two of the newspapers printed in said town, for the purpose of their electing a first Board of Directors, who shall continue in office until the second Monday of *January*, one thousand eight hundred and five.

Persons authorized to call first meeting.

[This Act passed *February 28*, 1804.]

An ACT in further addition to an Act, entitled, "An Act establishing *The Williamstown Turnpike Corporation*." March 1, 1799.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That a further time of one year from the first day of March next, be, and hereby is allowed to said Corporation to complete their said turnpike road.

[This Act passed February 28, 1804.]

An ACT to incorporate certain Persons to lay out and build a Turnpike Road and Bridges, from the Post-Office near the *Great Ponds* in the Town of *Middleborough*, to the *Braintree* and *Weymouth* Turnpike, leading from *Weymouth Landing* to *Queen Ann's Corner* in *Hingham*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That William Rotch, jun. Edward Pope, Samuel Rodman, and Thomas Hazard, jun. and all such persons as are or shall be associated with them, and interested in the fund raised to build said turnpike and bridges, and their successors, shall be a Corporation by the name of The New-Bedford and Bridgewater Turnpike Corporation; and shall by that name sue and be sued; and shall have a common seal, and enjoy all the privileges and powers which are by law incident to a Corporation, for the purpose of laying out and making a turnpike road and bridges, and keeping the same in repair, from the said post-office in Middleborough, by, or as near the several meeting-houses in Titicut, the south and east parishes in Bridgewater, Abington, and the upper parish in Weymouth, to the Braintree and Weymouth Turnpike, leading from Weymouth Landing to Queen Ann's Corner, in Hingham, as the same may be practicable.*

Corporation
may sue & be
sued, have a
seal, &c.

SECT. 2. *And be it further enacted, That the abovementioned persons, or any three of them, may, by advertisement in the New-England Palladium, printed in Boston, and in the Columbian Courier, printed in New-Bedford, call a meeting of the said Proprietors, to be holden at any suitable time and place, after fifteen days from the publication of said advertisement; and the said Proprietors, by vote of the majority of those present or represented at the said meeting, (in all cases accounting and allowing a vote to each single share) shall choose a Clerk, who shall be sworn to the faithful discharge of his duty; and said Proprietors*

First meeting
how to be call-
ed, officers to
be chosen, and
rules establish-
ed.

prietors shall then and there agree on a method for calling future meetings; and at the same time or at any subsequent meeting may make and establish any rules and regulations that shall be necessary or convenient for regulating the said Corporation, for effecting, completing and executing the purposes aforesaid, or for collecting the toll hereafter granted; and the same rules and regulations may cause to be kept and executed, or for the breach thereof may order and enjoin fines and penalties, not exceeding *thirteen dollars and thirty-three cents* for any breach thereof, *provided* such rules and regulations are not repugnant to the laws or Constitution of this Commonwealth: And the said Proprietors may also choose and appoint any other officer or officers that they may deem necessary; and all representations at any meeting shall be proved in writing, signed by the person making the same, which shall be filed with and recorded by the Clerk; and this Act, and all rules, regulations and votes of the said Corporation, shall be truly and fairly recorded by the said Clerk, in a book or books to be provided and kept for that purpose: *Provided also*, That no one Proprietor in this Corporation shall have more than ten votes.

SECT. 3. *And be it further enacted*, That the same turnpike road and bridges shall be laid out, erected and made by the said Corporation, of sufficient width in every part thereof for the accommodation of the public, that is to say, four rods wide through the whole of said road; and the made way or path for travelling shall be of sufficient width, and not less than twenty-four feet wide in any part thereof; and when the said road and bridges shall be sufficiently made, from the said post-office in *Middleborough* to the said *Weymouth* and *Braintree* Turnpike aforesaid, and shall be so allowed by any three men to be appointed by the Governor and Council for that purpose, then the said Corporation shall be authorized to erect two turnpike gates, at such convenient distances within the said road, as a majority of the Proprietors by them or their officers shall direct: *Provided*, That neither of the gates aforesaid shall be placed on any part of the roads heretofore travelled; and shall be entitled to receive, at each one of the said gates, from each traveller and passenger, the following rate of toll, viz. For every coach, phaeton, chariot, or other four-wheel carriage, for the conveyance of persons, drawn by two horses, *twenty-five cents*, and if drawn by more than two horses, an additional sum of *four cents* for each horse; for every cart, waggon, sleigh or sled, or other carriage of burthen, drawn by two oxen or horses, *twelve and one half cents*, and if by more than two, an additional sum of *three cents* for every such ox or horse; for every curricule, *sixteen cents*; for every sleigh, for the conveyance of passengers, drawn

Width of the road.

Two gates allowed.

Rates of toll.

by

by two horses, *twelve and one half cents*, and if drawn by more than two, an additional sum of *three cents* for each horse; for every sleigh or sled, drawn by one horse, *ten cents*; for every chaise, chair or other carriage, drawn by one horse, *twelve and an half cents*; for every man and horse, *five cents*; for all horses, oxen and neat cattle, led or driven, besides those in teams and carriages, *one cent* each; for all sheep and swine, *three cents* by the dozen, and in the same proportion for a greater or less number: *Provided*, That there shall not be but one half of the toll demanded or received for the passing of carts or waggons at each of said gates, that shall have the fellies thereof at least six inches in width: *And provided also*, That the General Court may hereafter otherwise regulate the tolls to be paid by carts and waggons, according to the width of fellies of the wheels on which they shall run, and the burthens which they shall carry: And the said Corporation shall, at each place where the said toll shall be collected, erect and keep constantly exposed to open view, a sign or board, with the rate of toll of all the tollable articles fairly and legibly written thereon in large or capital letters.

Proviso
respecting
fellies
wheels.

re-
the
of

Corporation
may hold land;
and must pay
damages for
such as may be
taken.

SECT. 4. *And be it further enacted*, That said Corporation may purchase and hold any land over which they may make said road; and the Justices of the Court of General Sessions of the Peace in the respective counties through which it passes; are hereby authorized, on application from the said Corporation, to lay out said road, or any part thereof within their respective jurisdictions, as with the consent of said Corporation they may think proper: And the said Corporation shall be holden to pay all damages which shall arise to any person by taking his land for such road, where it cannot be obtained by voluntary agreement; to be estimated by a Committee appointed by the Court of General Sessions of the Peace in the county in which such damage shall arise, saving to either party a right of trial by Jury, according to the law which makes provision for the recovery of damages happening by laying out public highways: *Provided always*, That in case of an increase of damages, given by the verdict of any Jury that may be called on said road, the expence of said Jury shall be paid by the said Corporation.

Penalty for de-
laying travel-
lers.

SECT. 5. *And be it further enacted*, That if the said Corporation, or their toll-gatherer, or others by them employed, shall unreasonably delay or hinder any passenger or traveller at either of said gates, or shall demand or receive more toll than is by this Act established, the Corporation shall forfeit and pay a sum not exceeding *ten dollars* nor less than *two dollars*, to be recovered before any Justice of the Peace of the county where the offence may be committed, by any person injured, delayed or defrauded, in a special action of the case; the writ in which shall

shall be served on said Corporation, by leaving a copy of the same with the Treasurer, or some individual member of said Corporation living in the county where the said action may be brought, or by reading the same to the said Treasurer or individual member, at least seven days before the day of trial; and the Treasurer of said Corporation, or individual member, shall be allowed to defend the same suit in behalf of the said Corporation: And the Corporation shall be liable to pay all damages that shall happen to any person from whom the toll is demandable, for any damage which shall arise from the defect of bridges or want of repairing said ways; and shall also be liable to presentment by the Grand Jury, for not keeping the same in good repair.

SECT. 6. *And be it further enacted*, That if any person shall cut, break down, or otherwise destroy any of said gates, or shall dig up or carry away any earth from the said road, or in any manner damage the same, or shall forcibly pass, or attempt to pass by force said gates, without first having paid the legal toll at such gate, such person shall forfeit and pay a fine not exceeding *fifty dollars* and not less than *ten dollars*, to be recovered by the Treasurer of said Corporation to their use, in an action of trespass: And if any person with a team, cattle or horses, turn out of said road to pass any of the turnpike gates aforesaid, and again enter said road, with an intent to avoid any toll established as aforesaid, such person shall forfeit and pay a fine not exceeding *three dollars* nor less than *one dollar*, to be recovered by the Treasurer aforesaid, to the use aforesaid, in an action of the case: *Provided*, That nothing in this Act shall extend to entitle the said Corporation to demand or receive toll of any person who shall be passing with his horse or carriage to or from public worship, or with his horse, team or cattle, to or from his common labour, or to or from any mill, or on the common or ordinary business of family concerns within the town of which they are inhabitants, or from any person or persons passing on military duty.

How the fine is to be recovered.

Penalties for injuring road, &c. forcibly passing gates, or evading toll.

SECT. 7. *And be it further enacted*, That the shares in said road shall be deemed personal estate to all intents and purposes, and shall be transferable by deed, duly acknowledged before any Justice of the Peace, and recorded by the Clerk of the said Corporation, in a book to be kept for that purpose: And when any such shares shall be attached on *mesne process*, or taken in execution, an attested copy of such writ of attachment or execution shall, at the time of the attachment or taking in execution, be left with the Clerk of said Corporation, otherwise the attachment or taking in execution shall be void; and such shares may be taken and sold by execution in the same manner as other personal estate, and the officer or judgment creditor, leaving a copy

Shares considered personal estate, & mode of transfer & attachment prescribed.

copy of such execution, with the return thereon, with such Clerk, within fourteen days after such sale, and paying for the recording thereof, shall be deemed a sufficient transfer of the same.

SECT. 8. *And be it further enacted*, That the said Corporation shall, within six months after said turnpike road shall be completed, lodge in the Secretary's office an account of all the receipts & expenditures to expenses of said road and bridges; and the said Corporation shall annually exhibit to the Governor and Council a true account of the income or dividend arising from said toll, with the necessary annual disbursements on said road; and the books of the said Corporation shall at all times be subject to the inspection of a Committee to be appointed by the General Court, or to the inspection of the Governor and Council when called for.

SECT. 9. *And be it further enacted*, That whenever any Proprietor shall neglect or refuse to pay any tax or assessment duly voted and agreed upon by the said Corporation, to their Treasurer, within thirty days after the time set for payment thereof, the Treasurer of said Corporation is hereby authorized to sell at public vendue the share or shares of such delinquent Proprietor, one or more, as shall be sufficient to defray said taxes and necessary incidental charges, after duly notifying in one or more public newspapers printed in the counties of *Suffolk* and *Bristol*, the sum due on such shares, and the time and place of sale, at least thirty days previous to the time of sale; and such sale shall be a sufficient transfer of such share or shares so sold to the person purchasing the same; and on producing a certificate from the Treasurer to the Clerk of said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the books of said Corporation; and such person shall be considered to all intents the Proprietor thereof; and the overplus, if any there be, shall be paid on demand by the Treasurer, to the persons whose shares were then sold.

SECT. 10. *And be it further enacted*, That the General Court may dissolve the said Corporation, whenever it shall appear to their satisfaction that the said income arising from said toll shall have fully compensated the said Corporation for all monies they may have expended in purchasing, repairing and taking care of the said road and bridges, together with an interest thereon at the rate of *twelve dollars* on the *hundred* for a year, from the time of completing the same; and thereupon the interest in the said turnpike road and bridges shall vest in the Commonwealth: *Provided*, That if the said Corporation shall neglect to complete said turnpike road and bridges, for the space of three years from the passing of this Act, the same shall be void and of no effect.

SECT.

SECT. 11. *And be it further enacted*, That the said Corporation be, and it is hereby empowered to commute the rate of toll with any person, or with the inhabitants of any town through which their turnpike road is made, by taking of him or them any certain sum annually, or for a less time, to be mutually agreed on in lieu of the toll established in and by this Act. The rate of toll may be commuted.

SECT. 12. *And be it further enacted*, That the said Corporation is hereby allowed to grant monies to such persons as rendered services to the Proprietors in exploring the route of the turnpike road, or otherwise, previous to the Act of incorporation: And the said Corporation is hereby authorized to purchase and hold other real estate, adjacent to and for the accommodation of said road, to the amount of *twenty thousand dollars*. Money may be granted to certain persons.

[This Act passed February 29, 1804.]

An ACT to incorporate *Jonathan Mason*, and others, into a Company, by the Name of *The Union Marine Insurance Company*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the said *Jonathan Mason*, and others, and all such persons as have already, or hereafter shall become Stockholders in said Company, being citizens of the *United States*, be, and hereby are incorporated into a Company or Body Politic, by the name of *The Union Marine Insurance Company*, for and during the term of twenty years after the passing of this Act; and by that name may sue or be sued, plead or be impleaded, appear, prosecute and defend to final judgment and execution; and have a common seal, which they may alter at pleasure; and may purchase, hold and convey any estate real or personal for the use of said Company, subject to the restrictions hereafter mentioned. Corporation may sue & be sued, &c.

SECT. 2. *Be it further enacted*, That the capital stock of said Company, exclusive of premium notes or profits arising from said business, shall consist of *two hundred and fifty thousand dollars*; and shall be divided into two thousand five hundred shares; of which capital stock, *twenty thousand dollars* only shall be invested in real estate. Value & number of shares.

SECT. 3. *Be it further enacted*, That the stock, property, affairs and concerns of said Company shall be managed and conducted by nine Directors, one of whom shall be the President thereof, who shall hold their offices for one year, and until others shall be chosen, and no longer; which Directors shall, at the time of their election, be Stockholders, and citizens of this Commonwealth; and shall be elected on the second Monday of *April*. Directors to be chosen.

Stockholders
may vote by
proxy.

April in each and every year, at such time of the day, and in such place in the town of *Salem* as a majority of the Directors for the time being shall appoint, of which election public notice shall be given in one of the newspapers printed in the town of *Salem*, and continued for the space of ten days immediately preceding such election; and such election shall be holden under the inspection of three Stockholders, not being Directors, to be appointed previous to every election by the Directors; and shall be made by ballot by a majority of votes of the Stockholders present, allowing one vote to each share in the capital stock: *Provided*, That no Stockholder shall be allowed more than ten votes; and the Stockholders not present may vote by proxy, under such regulations as the said Company shall prescribe: And if through any unavoidable accident the said Directors should not be chosen on the second Monday of *April* as aforesaid, it shall be lawful to choose them on another day, in the manner herein prescribed.

A President to
be chosen.

SECT. 4. *Be it further enacted*, That the Directors so chosen shall meet as soon as may be after every election, and shall choose out of their body one person to be President, who shall preside for one year, and be sworn faithfully to discharge the duties of his office; and in case of the death, resignation or inability of the President or any Directors to serve, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by a special election for that purpose, to be holden in the same manner as herein before directed respecting annual elections for Directors and President.

Board to trans-
act business.

SECT. 5. *Be it further enacted*, That the President and four of the Directors, or five of the Directors in the absence of the President, shall be a Board competent for the transaction of business; and all questions before them shall be decided by a majority of votes; and they shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of said Company, and the transfer of the shares, and touching the duties and conduct of the several officers, clerks and servants employed, and the election of Directors, and all such matters as appertain to the business of insurance; and shall also have power to appoint a Secretary, and so many clerks and servants for carrying on the said business, and with such salaries and allowances to them, and to the President, as to the said Board shall seem meet: *Provided*, That such by-laws, rules and regulations shall not be repugnant to the Constitution and laws of this Commonwealth.

A Secretary &
Clerks to be ap-
pointed.

Meetings of
Directors, their
powers, &c.

SECT. 6. *Be it further enacted*, That there shall be stated meetings of the Directors at least once in every month, and as often within each month as the President and Board of Direct-

ors

ors shall deem proper; and the President and a Committee of two of the Directors, to be by him appointed in rotation, shall assemble daily, if need be, for the dispatch of business: And the said Board of Directors, or the Committee aforesaid, at and during the pleasure of said Board, shall have power and authority on behalf of the Company, to make insurance upon vessels, freight, money, goods and effects, and against captivity of persons, and on the life of any person during his absence by sea, and in cases of money lent upon *bottomry* and *respondentia*; and to fix the premium and terms of payment: And all policies of insurance by them made shall be subscribed by the President, or in case of his death, sickness, inability or absence, by any two of the Directors, and countersigned by the Secretary, and shall be binding and obligatory upon the said Company, and have the like effect and force as if under the seal of said Company; and all losses duly arising under any such policy so subscribed, may be adjusted and settled by the President and Board of Directors, and the same shall be binding on the Company.

SECT. 7. *Be it further enacted*, That it shall be the duty of the Directors, on the second Monday of *March* and *September* in every year, to make dividends of so much of the interest arising from their capital stock, and the profits of said Company, as to them shall appear advisable; but the monies received, and notes taken for premiums on risks, which shall be undetermined and outstanding at the time of making such dividends, shall not be considered as part of the profits of the Company: And in case of any loss or losses whereby the capital stock of the Company shall be lessened, each Proprietor's or Stockholder's estate shall be held accountable for the instalment that may be due and unpaid on his share or shares at the time of said loss or losses taking place, to be paid into the said Company by assessments, or such other mode, and at such time or times as the Directors shall order; and no subsequent dividend shall be made, until a sum equal to such diminution shall have been added to the capital; and that once in every year, and oftener if required by a majority of the votes of the Stockholders, the Directors shall lay before the Stockholders, at a general meeting, an exact and particular statement of the profits, if any there be, after deducting losses and dividends.

Semi-annual dividends to be made.

Case of loss diminishing the capital.

SECT. 8. *Be it further enacted*, That the said Company shall not directly or indirectly deal or trade in buying or selling any goods, wares, merchandize or commodities whatsoever; and the capital stock of said Company, within six months after being collected at each instalment, shall be invested either in the funded debt of the *United States*, or of this Commonwealth, or in the stock of the *United States Bank*, or of any incorporated Bank in this Commonwealth, at the discretion of the President and

Company not to be concerned in trade.

and Directors of said Company, or of other officers which the Proprietors shall for such purpose appoint.

Instalments
when to be
paid.

SECT. 9. *Be it further enacted*, That fifty dollars on each share in said Company shall be paid within thirty days after the first meeting of said Company, and the remaining sum within one year after said first meeting, in such equal instalments, and under such penalties as the said Company shall direct; and no transfer of any share in said Company shall be permitted, or be valid, until all the instalments which shall have been assessed on such share shall have been paid.

A Director in
another Com-
pany ineligible
in this.

SECT. 10. *Be it further enacted*, That no person being a Director of any other Company carrying on the business of marine insurance, shall be eligible as a Director of the Company by this Act established.

Stockholders'
property liable
to attachment.

SECT. 11. *Be it further enacted*, That the property of any member of said Company, vested in the stock of said Company, with the dividend or dividends due thereon, shall be liable to attachment and execution, in favour of any *bona fide* creditor, in manner following, viz. Whenever a proper officer, having a writ of attachment or execution against any such member, shall apply with such writ or execution to the Secretary of said Company, it shall be the duty of said Secretary to expose the books of the Corporation to such officer, and furnish him with a certificate under his hand, in his official capacity, ascertaining the number of shares the said member holds in said Company, and the amount of the dividend or dividends due thereon; and when any such share or shares shall be attached on *mesne process*, or taken in execution, an attested copy of such writ of attachment or execution shall be left with the said Secretary; and such share or shares may be sold in execution, after the same notification of the time and place of sale, and in the same mode of sale as other personal property; and it shall be the duty of the officer making such sale, within ten days thereafter, to leave an attested copy of the execution, with his return thereon, with the Secretary of the Company, and the vendee shall thereby become the Proprietor of such share or shares, and entitled to the same, and to all the dividends which shall have accrued thereon after the taking in execution as aforesaid, or when there shall have been a previous attachment, after such attachment, notwithstanding any intervening transfer.

Directors'
property liable
in a certain
case.

SECT. 12. *Be it further enacted*, That in case of any loss or losses taking place, that shall be equal to the amount of the capital stock of the said Company, and the President and Directors, after knowing of such loss or losses taking place, shall subscribe to any policy of insurance, their estates jointly and severally shall be accountable for the amounts of any and every loss that shall take place under policies thus subscribed.

SECT.

SECT. 13. *Be it further enacted*, That the President and Directors of said Company shall, previous to their subscribing to any policy, and once in every year after, publish in one of the newspapers printed in the town of *Salem*, the amount of their stock, against what risks they mean to insure, and the largest sum they mean to take on any one risk: *Provided*, That the said President and Directors shall not be allowed to insure on any one risk a larger sum than *ten per centum* of the amount of the capital stock actually paid in.

SECT. 14. *Be it further enacted*, That the President and Directors of said Company shall, when, and as often as required by the Legislature of this Commonwealth, lay before them a statement of the affairs of said Company, and submit to an examination concerning the same under oath.

SECT. 15. *Be it further enacted*, That *Jonathan Mason, Jonathan Neal, and Joshua Ward*, or any two of them, are hereby authorized to call a meeting of the members of said Company as soon as may be, in *Salem*, by advertizing the same for two successive weeks, in the *Salem Register*, for the purpose of their electing a first Board of Directors, who shall continue in office until the second Monday of *April*, one thousand eight hundred and five.

[This Act passed February 29, 1804.]

An ACT to establish *The Petersham and Monson Turnpike Corporation*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *James Humphrey, Oliver Chapen, James Calhoun, Aaron Merick, Joseph Kenarick, Justin Ketchum, Oliver Harris, Aaron Johnson, Solomon Strong, John Humphrey, William Bigelow, Roger West, John Patrick, Thomas Patrick, Abijah Powers, John Shaw, William Bowdoin, Joel Norcross, John King, and Thomas Powers*, together with such others as shall associate with them, and their successors and assigns, shall be a Corporation, by the name and style of *The Petersham and Monson Turnpike Corporation*, with all the powers and privileges usually given and incident to similar Corporations for making turnpike roads, for the purpose of making and keeping in repair a turnpike road, from the Fifth Turnpike in *Athol*, through the towns of *Athol, Petersham, Dana, Greenavich, Ware, Palmer, and Monson*, to connect with the turnpike in *Stafford*, in the most convenient direction through said towns: And the said turnpike road shall not be less than four rods wide, and the part

Amount of stock to be published.

Statement of affairs to be laid before the Court.

Persons authorized to call first meeting.

Names of persons incorporated.

Course of the road, dimensions, &c.

to be travelled on not less than twenty feet wide in any part thereof: And when the said road shall be sufficiently made, and shall be so allowed and approved of by the Committee hereafter named, for laying out and locating said road, then the Corporation shall be authorized to erect three turnpike gates on said road, in such places and in such manner as shall be directed by said Committee: *Provided*, That no turnpike gate be erected, or any toll demanded, on any part of the present travelled road; and the said gates not to be erected less than ten miles distant from each other.

Committee to
lay out the
road.

SECT. 2. *And be it further enacted*, That the said Corporation may purchase and hold lands over which they may make said road; and the Hon. *Thomas Hale, Zabina Montague, and John Cutler*, Esqrs. are hereby appointed and authorized, on application of said Corporation, to locate and lay out said road, or any part thereof, in such direction as they, or a majority of them, shall think most convenient and proper: And the said Corporation shall be liable to pay all damages which may arise to any individual by taking his land for such road, where the same cannot be obtained by voluntary agreement, to be estimated by the Committee aforesaid, saving to either party the right of trial by Jury, according to the law which makes provision for the recovery of damages arising from the laying out of highways: *Provided*, That in all cases where the Jury determine an excess of damages, the expense shall be paid by the Corporation.

Toll establish-
ed.

SECT. 3. *And be it further enacted*, That it shall be lawful for the said Corporation to demand and receive of each person, traveller or passenger the following rates of toll, at each gate, viz. For every coach, chariot, phaeton, or other four-wheeled carriage, drawn by two horses, *twenty cents*, and if drawn by more than two horses, an additional sum of *three cents* for each horse; for every cart or waggon, drawn by two oxen or horses, *ten cents*, and if drawn by more than two oxen or horses, the additional sum of *three cents* for each additional ox or horse; for every curricule, *fifteen cents*; for every chaise, chair or carriage, drawn by one horse, *ten cents*; for every man and horse, *four cents*; for every sled or sleigh, drawn by two oxen or horses, *eight cents*, and if drawn by more than two, the additional sum of *two cents* for each ox or horse; for every sled or sleigh, drawn by one horse, *five cents*; for all horses, mules, oxen or neat cattle, led or driven, besides those in teams, *eight cents* by the dozen, and in that proportion for a greater or less number; and for all sheep or swine, at the rate of *three cents* by the dozen, and for a greater or lesser number the same sum in proportion: *Provided however*, That the said Corporation may, if they see cause, commute the rate of toll with any persons or Corporations,

The rate of toll
may be com-
muted.

Corporations, by taking of them a certain sum annually, to be mutually agreed on in lieu of the toll aforesaid: *And provided also*, That not more than half the rate of toll before mentioned shall be demanded for any cart or waggon, the fellies of the wheels of which shall be not less than six inches broad; and that the General Court may hereafter otherwise regulate the tolls on carts and waggons, according to the width of the fellies of the wheels on which they shall run, and the burthen they shall carry: And the said Corporation shall, at each place where the toll shall be collected, erect in some conspicuous place, and constantly keep exposed to view, a sign or board, with the rate of toll of all the tollable articles fairly written thereon in large or capital letters.

SECT. 4. *And be it further enacted*, That if any person shall cut, break down or otherwise injure or destroy either of the said turnpike gates, or shall dig up or carry away any earth from the said road, or in any other manner injure the same, or shall forcibly pass, or attempt to pass the said gates by force, with intent to avoid the payment of the legal toll at such gate, such person shall forfeit and pay a fine not exceeding *ten dollars* nor less than *five dollars*, to be recovered by the Treasurer of the Corporation, in an action of trespass: And if any person with his team, cattle or horse, turn out of the said road to pass the said turnpike gate, and again enter on said road, with intent to evade the toll due by virtue of this Act, such person shall forfeit and pay *two dollars*, to be recovered by the Corporation, to the use of the same, in an action on the case: *Provided however*, That nothing in this Act shall extend to entitle the said Corporation to demand or receive toll of any person who shall be passing on foot, or with his horse or carriage to or from public worship, or with his horse, team or cattle, to or from his common labour on his farm, or to or from any grist-mill, or on the common and ordinary business of family concerns, or from any person or persons passing on military duty, or from any person passing on any part of said turnpike road that may be made on any road now travelled.

SECT. 5. *And be it further enacted*, That if the said Corporation, or their toll-gatherer, or others in their employ, shall unreasonably delay or hinder any traveller or passenger, or shall demand or receive more toll than is by this Act established, the said Corporation shall forfeit and pay a sum not exceeding *ten dollars* nor less than *two dollars*, to be recovered before any Justice of the Peace of the county where the offence is committed, by any person injured, delayed or defrauded, in a special action on the case; the writ in which case shall be served on the Corporation, by leaving a copy of the same with the Treasurer, or with some other member of the Corporation living in the county where

Penalties for
injuring road,
&c., forcibly
passing gates,
or evading toll.

Penalty for de-
laying travel-
lers.

How the fine
is to be recov-
ered.

where the offence is committed, at least seven days before the day of trial; and the said Treasurer, or other member with whom the said copy shall be left, shall be allowed to defend the same suit in behalf of the said Corporation: And the Corporation shall be liable to pay all damages which may happen to any person from whom the toll is demandable, which shall arise from defect of bridges or want of repairs in the said road; and shall also be liable to presentment by the Grand Jury, for not keeping the same in repair; and if the said road, or any part thereof, shall be suffered to be out of repair, the Justices of the Common Pleas within and for the county wherein the same may lie, or the major part of them, or a Committee to be appointed by said Justices for that purpose, are hereby authorized to order said gates, or either of them, to be set open; said Justices, or their Committee, having previously notified the Clerk of said Corporation, of complaint having been made of the badness of said road, at least ten days previous to their ordering them to be set open; and immediately upon such order in writing, under the hands of said Justices, or their Committee, being left with the Clerk of the Corporation, the said gate or gates shall be opened, and no toll shall be demandable or taken thereat, until the said Justices or their Committee shall order.

Shares considered personal estate, & mode of transfer & attachment prescribed.

SECT. 6. *And be it further enacted*, That the shares in said turnpike shall be taken and deemed to be personal estate, to all intents and purposes, and shall and may be transferable; and the mode of transferring the said shares shall be by deed, acknowledged before any Justice of the Peace, and recorded by the Clerk of the said Corporation, in a book for that purpose to be provided and kept: And when any share shall be attached on *mesne process*, or taken in execution, an attested copy of said writ of attachment or execution shall, at the time of the attachment or taking in execution, be left with the Clerk of the said Corporation, otherwise the attachment or taking in execution shall be void; and such shares may be sold on execution in the same manner as is or may by law be provided for making sale of personal property on execution; and the officer making the sale, or the judgment creditor, leaving a copy of the execution, and the officer's return on the same, with the Clerk of the said Corporation, within fourteen days after said sale, and paying for the recording of the same, shall be deemed and considered as a sufficient transfer of such share or shares in the said turnpike road.

Statement of receipts & expenditures to be exhibited,

SECT. 7. *And be it further enacted*, That the said Corporation shall, within six months after the said road is completed, lodge in the Secretary's office an account of the expenses thereof; and that the said Corporation shall annually exhibit to the Governor and Council a true account of the income or dividend arising

arising from said toll, with their necessary annual disbursements on the said road; and that the books of the said Corporation shall at all times be subject to the inspection of a Committee to be appointed by the General Court, or to the inspection of the Governor and Council when called for.

SECT. 8. *And be it further enacted*, That whenever any Proprietor shall neglect or refuse to pay any tax or assessment, duly voted and agreed upon by the Corporation, to their Treasurer, within sixty days after the time set for the payment thereof, the Treasurer of the said Corporation is hereby authorized to sell at public vendue the share or shares of such delinquent Proprietor, one or more, as shall be sufficient to defray the said taxes and necessary incidental charges, after having given public notice of such sale in one of the newspapers printed at *Worcester* and *Northampton*, the sum due on any such shares, and the time and place of sale, at least thirty days previous to the time of sale; and such sale shall be a sufficient transfer of the share or shares so sold, to the person purchasing the same; and on producing a certificate of such sale, from the Treasurer to the Clerk of said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the books of said Corporation, and such person shall be considered to all intents and purposes the Proprietor thereof; and the overplus, if any there be, shall be paid on demand, by the Treasurer, to the person whose shares were so sold.

Shares of delinquents may be sold.

SECT. 9. *And be it enacted*, That the General Court may dissolve the said Corporation, whenever it shall appear to their satisfaction, that the income arising from the said toll shall have fully compensated the said Corporation for all monies they may have expended in purchasing, repairing and taking care of the said road, together with an interest thereon at the rate of *twelve per cent.* by the year; and thereupon the property of the said road shall be vested in the Commonwealth, and be at the disposal of the Legislature thereof: *Provided however*, That if the said Corporation shall neglect to complete the said road for the space of three years from the passing of this Act, the same shall be void and of no effect.

Corporation may be dissolved when the members are indemnified.

SECT. 10. *And be it further enacted*, That *Thomas Powers, Asaph Newcomb*, and *Roger West*, are hereby authorized to call the first meeting of the said Corporation, at such time and place as they shall think most proper and convenient, for the purpose of choosing a Clerk, who shall be sworn to the faithful discharge of the duties of his said office, and such other officers as may then be agreed on by said Corporation; and the said Corporation may at the same time establish such rules and regulations as shall be judged necessary for the well-ordering of its affairs,

Persons authorized to call the first meeting.

and

and also upon a method for calling future meetings: *Provided*, That such rules and regulations shall in no case be repugnant to the Constitution and laws of this Commonwealth.

[This Act passed *February 29, 1804.*]

An ACT to incorporate a Number of the Inhabitants of the Towns of *Pittsfield, Hancock, Dalton, and Washington*, in the County of *Berkshire*, into a Religious Society by the Name of *The Methodist Religious Society in Pittsfield, Hancock, Dalton, and Washington.*

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Gideon Allen, Loyal W. Allen, David Ashley, jun. Allen Barnes, Solomon Clark, John Clark, Seth Coe, John Dighton, Oliver Fuller, Ira Gaylord, Robert Green, Leonard Goff, Enoch Hubbard, Elisba Hubbard, Zadock Hubbard, Thomas Hubbard, Malcom Henry, Nathaniel Kellogg, jun. Joshua Luce, Richard Osborn, William Pomroy, William Roberts, Edward Roberts, sen. Edward Roberts, jun. Aaron Roberts, Aaron Root, Anna Smith, Samuel Stanton, Nicholas Stanton, Eliphalet Stevens, Jonathan Stow, Lebbeus Webb, Nathan Webb, Nathan Webb, jun. John Ward, Joshua Whitney, Joseph Wood, and Josiah Wright, members of the said religious Society, with their families and estates, be, and they are hereby incorporated by the name of The Methodist Religious Society in Pittsfield, Hancock, Dalton, and Washington, with all the powers, privileges and immunities to which parishes are entitled by the Constitution and laws of this Commonwealth: Provided however, That all such persons shall be holden to pay their proportion of monies assessed in the town or parish to which they respectively belonged previous to that time.*

Names of persons incorporated.

E. Root, Esq. authorized to call the first meeting.

SECT. 2. *And be it further enacted, That Eli Root, Esq. be, and he is hereby authorized to issue a warrant, directed to some suitable member of said Methodist Society, requiring him to notify and warn the members thereof to meet at such time and place as shall be appointed in said warrant, to choose such officers as parishes in this Commonwealth are by law empowered to choose in the month of March or April annually.*

[This Act passed *March 1, 1804.*]

An

An ACT to incorporate a Number of the Inhabitants of the Towns of *Gorham* and *Standish*, in the County of *Cumberland*, and the Town of *Buxton*, in the County of *York*, into a distinct and separate Religious Society by the Name of *The Methodist Society in Gorham, Buxton and Standish*.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Hugh Moore, Jonathan Moore, James Waterhouse, James Cochran, Josiah Payne, Thomas Irish, James Davis, Daniel Hill, Ebenezer Lombard, Isaac York, Amos Thombs, Samuel Files, Moses Fogg, Josiah Berry, James Lewis, Richard Lombard, Nathaniel Bracket, Elkanah Harding, Abraham Webb, John Whitmore, Lot Nason, Uriah Nason, Simeon Libby, Samuel Dennet, Philip Ayer, Richard Lamb, Thomas Thombs, Daniel Kimball, Sylvanus Bangs, Daniel Lowell, Richard Willis, Joseph Bryant, Timothy Ayer, Stephen Hopkinson, John Whitney, John M'Gill, Joshua Moody, Asa Whitney, and Colman Phinney*, members of said religious Society, with their families and estates, be, and hereby are incorporated into a religious Society by the name of *The Methodist Society in Gorham, Buxton and Standish*; with all the powers, privileges and immunities to which other parishes in this Commonwealth are by law entitled: *Provided however*, That the persons set off as aforesaid shall be held to pay their proportion of all monies assessed in each of said towns for parochial purposes previous to the passing of this Act.

Names of persons incorporated.

SECT. 2. *And be it further enacted by the authority aforesaid*, That any Justice of the Peace in the county of *York* be, and is hereby authorized and empowered to issue his warrant, directed to some suitable member of said Society, to meet at such time and place as shall be appointed in said warrant, to choose all such officers as parishes in this Commonwealth are by law entitled to choose in the months of *March* or *April* annually.

First meeting how to be called.

[This Act passed March 1, 1804.]

An ACT to establish a Corporation by the Name of *The Union Turnpike Corporation*.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Henry Bromfield, Metaphor Chase, William Nickols, Benjamin Kimball, Leonard Farwell, Oliver Taylor, John L. Tuttle*,

Names of persons incorporated.

L. Tuttle, Joel Hosmer, Jonas Lee, Flint Davis, John Egerton, Ivory Longley, John Kelsey, Thomas Parker, Abraham Peirce, Josiah Hartwell, Luke Josslyn, Abel Phelps, Enoch Kendall, and Samuel Chase, and such other persons as shall associate with them, their successors and assigns, shall be, and they hereby are made a Corporation, by the name of The Union Turnpike Corporation; and by that name shall be, and hereby are made capable in law, to sue and be sued, plead and be impleaded, defend and be defended, in any Courts of Record, or any other place whatever; and also to make, have and use a common seal, and the same again at pleasure to break, alter and renew; and also to ordain, establish and put in execution, such rules, regulations and by-laws, as to them shall appear necessary and convenient for the government of said Corporation, and the prudent management of their affairs, for the purpose of making and keeping in repair a turnpike road, from where the Cambridge and Concord Turnpike Road terminates, in Concord, in the most convenient and direct route, to the place where the Fifth Massachusetts Turnpike Road terminates, in Leominster; provided such rules, regulations and by-laws shall not be repugnant to the Constitution and laws of this Commonwealth; and that said Corporation shall always be subject to the rules, regulations, limitations and restrictions hereinafter provided: And Hugh McLellan, Esq. of Colerain, Isaac Gregory, Esq. of Royalston, and William Hildreth, Esq. of Dracut, are hereby constituted and appointed a Committee to locate and establish the same, which locating Committee shall assign the places on said road where the gates shall be erected.

Committee to
lay out the
road.

Corporation
may hold land,
and must pay
damages for
such as may be
taken.

SECT. 2. *Be it further enacted, That said Corporation may purchase and hold any land over which said road shall be located; and the Justices of the Courts of General Sessions of the Peace of the several counties through which said road shall pass, are hereby authorized, on application from said Corporation, to lay out said road, or any part thereof within their respective jurisdictions, in the same route where said Committee shall locate and establish the same: And said Corporation shall be holden to pay all damages which may arise to any person by taking his or her land for such road, where the same cannot be obtained by mutual agreement, to be estimated by a Committee appointed by said Court, in the county where such damages shall arise, upon application of the party who may sustain such damage, for that purpose, saving to either party the right of having the damage estimated by a Jury, according to the law which makes provision for the recovery of damages arising from laying out public highways: Provided, That whenever an excess of damages shall be assessed, the expenses shall be paid by said Corporation.*

SECT.

SECT. 3. *Be it further enacted*, That said turnpike road shall be laid out of sufficient width in every part thereof for the accommodation of the public, not less in any part thereof than four rods wide, and the path for travelling shall be made by said Corporation not less than twenty-four feet wide in any place: And when said turnpike road shall be sufficiently made, and so approved and accepted by a Committee appointed by the Court of General Sessions of the Peace in the several counties through which said road shall pass, each Committee to accept that part of said road which shall be within their own county, then said Corporation may, and are hereby authorized to erect two turnpike gates on said road, in such manner and place as the said Committee shall judge necessary and convenient for collecting the toll, so that said gates be not erected on any old travelled road; and shall be entitled to receive of each traveller or passenger, at each of said gates, the following rates of toll, viz. For every coach, chariot, phaeton, or other four-wheel carriage, for the conveyance of persons, drawn by two horses, *twenty-five cents*, and for each additional horse, *three cents*; for every curricule, *twenty cents*; for every chaise, chair, sulkey, or other two-wheel carriage, for the conveyance of persons, *twelve and an half cents*; for every waggon or cart, drawn by two oxen or horses, *twelve and an half cents*, and for every additional horse or ox, *three cents*; for every cart or other wheel carriage, drawn by one horse, *eight cents*; for every sled or sleigh, drawn by two oxen or horses, *ten cents*, and for every additional horse or ox, *two cents*; for every sled or sleigh, drawn by one horse, *six cents*; for every man and horse, *six cents*; for every horse, mule or ass, led or driven, besides those in teams and carriages, *three cents* each; for every ox, besides those in teams, and other neat cattle, *one cent* each; for all sheep or swine, *three cents* by the dozen, and in that proportion for a greater or less number: *Provided*, That nothing in this Act shall extend to entitle said Corporation to demand or receive toll of any person who shall be passing with his horse or carriage to or from his usual place of public worship, or with his horse, team or cattle, to or from his common labour on his farm, or to or from any grist-mill, or on the common or ordinary business of family concerns within the same town in which he lives or resides, or from any person passing on military duty: *Provided also*, That not more than half the toll before mentioned, shall be paid for any cart or waggon, the fellys of the wheels of which shall be not less than six inches broad; and that the General Court may hereafter regulate the toll on carts and waggons, according to the width of the fellys of the wheels on which they shall run, and the burthens they shall carry.

Width of the road.

Rates of toll.

Proviso respecting fellys of wheels. re- the of

Penalty for de-
laying travel-
lers.

How the fine
is to be recov-
ered.

SECT. 4. *Be it further enacted*, That if said Corporation, or their toll-gatherer, or others by them employed, shall unreasonably delay or hinder any traveller or passenger at the toll-gate, or shall demand or receive more toll than is by this Act established, the Corporation shall forfeit and pay a sum not exceeding *ten dollars* nor less than *two dollars*, to be recovered before any Justice of the Peace in the county where such injury shall happen, by any person so injured or defrauded, in a special action on the case; the writ in which shall be served on said Corporation, by leaving an attested copy of the same with the Treasurer or Clerk of said Corporation, at least seven days before the trial; and the Treasurer or Clerk of said Corporation, or any individual member, shall be allowed to defend the same suit in behalf of said Corporation: And the said Corporation shall be liable to pay all damages that shall happen to any person from whom toll is demandable, which shall arise from defect of bridges, or want of repairs on said road; and shall also be liable to be presented by the Grand Jury for not keeping the same in good repair.

Penalties for
injuring road,
&c., forcibly
passing gates,
or evading toll.

SECT. 5. *Be it further enacted*, That if any person shall cut, or break down, or otherwise destroy or injure said gate or gates, or shall dig up or carry away any earth, or other materials, from said road, or shall place or leave any obstruction in said road, or in any other manner unreasonably damage the same, or shall forcibly pass, or attempt to pass by force said gate or gates, without first having paid the legal toll, such person shall forfeit and pay a fine not exceeding *fifty dollars* nor less than *five dollars*, to be recovered by the Treasurer of said Corporation to their use, in an action of trespass: If any person with a carriage, team, horses, cattle, or other tollable articles, shall turn out of said road to pass the turnpike gate or gates aforesaid, and again enter on said road, with an intent to avoid the toll established by this Act, such person shall forfeit and pay a sum not exceeding *ten dollars* nor less than *two dollars*, to be recovered by the Treasurer of this Corporation for their use, in an action of trespass on the case: *Provided*, That no person shall be liable to pay damage as aforesaid, for travelling on the present road, notwithstanding some part of the same road may be taken for the turnpike road aforesaid: And if the said turnpike road, or any part thereof, shall be suffered to be out of repair, the Justices of the Court of Common Pleas, or a major part of them, or a Committee by them appointed for that purpose, in the county where such want of repair shall be, may, upon complaint being made to them in writing, cause the Clerk or Treasurer of said Corporation, or any principal member thereof, to be served with a written notification thereof, at least seven days before the time of hearing by such Justices or Committee, who may upon such hearing

hearing order such gate or gates to be set open, and no toll demanded or taken thereat until said Justices or Committee shall grant liberty therefor.

SECT. 6. *Be it further enacted*, That the shares in said turnpike road shall be considered as personal estate to all intents and purposes, and shall be transferable by deed, duly acknowledged before any Justice of the Peace, and recorded by the Clerk of said Corporation in a book to be kept for that purpose: And whenever such share shall be attached on *mesne process*, an attested copy of such process shall be left, at the time of the attachment, with the Clerk of said Corporation, otherwise the same shall be void; and such shares may be taken and sold by execution in the same manner as other personal estate; and the officer, or judgment creditor, leaving a copy of such execution, with the return thereon, with said Clerk, within fourteen days after such sale, and paying for recording thereof, shall be deemed a sufficient transfer of the same.

Shares considered personal estate, & mode of transfer & attachment prescribed.

SECT. 7. *Be it further enacted*, That whenever any Proprietor shall neglect or refuse to pay any tax or assessment, duly voted and agreed upon by said Corporation, to their Treasurer, within sixty days after the time fixed for the payment thereof, the Treasurer of said Corporation is hereby authorized to sell at public vendue, the share or shares of such delinquent Proprietor, one or more, as shall be sufficient to defray said taxes and necessary incidental charges, after duly notifying said delinquent Proprietor or Proprietors, in such manner as said Corporation shall agree upon, of the sum due on such share or shares, and of the time and place of sale, said notice to be at least thirty days before the time of sale; and such sale shall be a sufficient transfer of such share or shares to the person or persons who shall purchase the same; and on producing a certificate from the Treasurer to the Clerk of said Corporation, the name of said purchaser, with the number of shares so purchased, shall be by the Clerk entered on the books of said Corporation, and such purchaser shall be considered to all intents and purposes the Proprietor thereof; and the overplus arising from such sale, if any there be, shall be paid on demand, by the Treasurer, to the person whose shares were so sold.

Shares of delinquents may be sold.

SECT. 8. *Be it further enacted*, That John L. Tuttle, Metaphor Chase, and John Egerton, or a majority of them, be, and they hereby are authorized to call a meeting of said Corporation, at such time and place as they may think proper, by giving notice thereof in the *Independent Chronicle*, published in Boston, at least ten days previous to the time appointed for said meeting, for the purpose of choosing a Clerk, who shall be sworn to the faithful discharge of his trust, and such other officers as shall be then and there agreed upon by said Corporation, for the regular conducting

Persons authorized to call the first meeting.

conducting the concerns thereof; and may also agree upon such mode of calling future meetings as they shall judge proper; and each Proprietor in said turnpike road, by himself or his agent duly authorized in writing, shall have a right to vote in all meetings of said Corporation, and shall be entitled to as many votes as the said Proprietor has shares in the same: *Provided*, That no individual Proprietor shall be entitled in any case to more than ten votes.

Statement of receipts & expenditures to be exhibited. SECT. 9. *Be it further enacted*, That said Corporation shall, within six months after said road is completed, lodge in the office of the Secretary of this Commonwealth, an account of the expenses thereof; and that said Corporation shall once in three years exhibit to the Governor and Council, a true account of the income or dividend arising from said toll, with the necessary annual expenses of keeping said road in repair; and that the books of said Corporation shall at all times be subject to the inspection of a Committee to be appointed by the General Court, or to the inspection of the Governor and Council when called for.

The rate of toll may be commuted. SECT. 10. *Be it further enacted*, That said Corporation be, and it hereby is empowered to commute the rate of toll with any person, or with the inhabitants of any town through which said road may pass, by taking of him or them any certain sum annually, or for a less time, to be mutually agreed upon in lieu of the toll established in and by this Act.

A sign-board to be erected. SECT. 11. *Be it further enacted*, That said Corporation shall, at the places where said toll is to be collected, erect and keep constantly exposed to view, a sign or board, with the rates of toll of all tollable articles fairly written thereon in legible characters.

Money may be granted to certain persons. SECT. 12. *Be it further enacted*, That said Corporation be, and it hereby is authorized to grant monies to such persons as have rendered services to the Proprietors in exploring the route of said turnpike road, or otherwise, previous to the Act of incorporation: And said Corporation is hereby authorized to purchase and hold other real estate, adjacent to, and for the accommodation of the said road, to the amount of *fifteen thousand dollars*.

Corporation may be dissolved when the members are indemnified. SECT. 13. *Be it further enacted*, That the General Court may dissolve said Corporation, whenever it shall appear to their satisfaction, that the income arising from the toll shall have fully compensated the Proprietors for all monies they may have expended in purchasing, making, keeping in repair, and taking care of said road, together with an interest of *twelve per centum* by the year; and thereupon the property of said road shall be vested in this Commonwealth, and be at their disposal: *Provided however*, That if said Corporation shall neglect to complete said turnpike

turnpike road, for the space of four years from the date of this Act, the same shall be void and of no effect.

SECT. 14. *Be it further enacted*, That the gates which may be erected on the said turnpike shall not be within ten miles of each other.

[This Act passed *March 2, 1804.*]

An ACT establishing a Fund for the Support of the Congregational Minister in the Town of *Windham*, in the County of *Cumberland*, and appointing Trustees for the Management thereof,

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Paul Little, Esq. Dr. James Paine, Josiah Chute, Thomas Craigue, Abraham Anderson, Paul Little, jun. and Josiah Webb*, be, and they are hereby constituted a Body Politic and Corporate by the name of *The Trustees of Windham Ministerial Fund*; and they and their successors shall be and continue a Body Politic and Corporate by that name forever; and they shall have a common seal, subject to be altered at their pleasure; and they may sue and be sued in all actions, real, personal and mixed, and prosecute and defend the same to final judgment and execution by the name aforesaid.

Incorporating clause.

SECT. 2. *And be it further enacted*, That said Trustees and their successors shall and may annually elect a President, and Clerk to record the doings and transactions of the Trustees at their meetings, and a Treasurer to receive and apply the monies hereinafter mentioned as hereinafter directed, and any other needful officers for the better managing of their business.

President, Clerk & Treasurer to be elected.

SECT. 3. *And be it further enacted*, That the number of Trustees shall not at any one time be more than seven nor less than five, any five of their number to constitute a quorum for transacting business; and they shall and may, from time to time, fill up vacancies in their number, which may happen by death, resignation or otherwise; and also have power to remove any of their number who may become unfit and incapable from age, infirmity, misconduct, or any other cause, of discharging their duty, and to supply a vacancy so made by a new choice from the members of said Congregational Society: And said Trustees shall annually hold a meeting in *March* or *April*, and as much oftener as may be found necessary to transact their necessary business; which meetings, after the first, shall be called in such way and manner as the Trustees shall hereafter direct.

Number of Trustees limited, empowered to fill vacancies, &c.

SECT.

Clerk to be
sworn, & his
duties prescribed.

SECT. 4. *And be it further enacted,* That the Clerk of said Corporation, who shall be a member thereof, and shall be sworn in the same manner as town officers are, to the faithful performance of the duties of his office, shall have the care and custody of all papers and documents belonging to said Trustees, and shall carefully and fairly record all their votes and proceedings in a book kept for that purpose, and shall certify the same when thereunto required; and he shall call meetings when thereto directed by said Trustees, and do whatever else may be incident to said office; and he shall deliver up to his successor in office, as soon as may be, all the records, papers and documents in his hands, in good order and condition; and if he shall neglect so to do, for the space of thirty days next after such successor shall be duly appointed, he shall forfeit and pay a fine of *fifty dollars*, and the further sum of *thirty dollars* per month for such neglect afterwards.

Treasurer to
give bonds, &
his duties pre-
scribed.

SECT. 5. *And be it further enacted,* That the Treasurer of said Trustees shall be the receiver of all monies and effects due, owing, and coming to them, and may demand, sue for, and recover the same in their name, unless prohibited by them; and he shall have the care and custody of all the money and effects, obligations and securities for the payment of money and other things, and all evidences of property belonging to said Trustees, and be accountable to them therefor, and shall dispose of the same as they shall order and direct; and shall render an account of his doings, together with a fair and regular statement of the property and evidences of property in his hands, whenever they shall require the same to be done; and he shall deliver up to his successor in office, as soon as may be, all the books and papers, property and evidences of property in his hands, in good order and condition; and shall give bond to said Trustees and their successors, with sufficient sureties, to be approved by them, in the penal sum of *five thousand dollars*, conditioned to do and perform all the duties incumbent on him as their Treasurer; and if he shall fail to deliver up the same as aforesaid, for the space of thirty days next after such successor shall be duly chosen, he shall forfeit and pay a fine of *fifty dollars*, and the further sum of *thirty dollars* per month for such failure or neglect afterwards.

Fund to be put
at interest, and
the manner di-
rected.

SECT. 6. *And be it further enacted,* That it shall be the duty of said Trustees to use and improve such fund or estate as shall be vested in them by this Act with care and vigilance, so as best to promote the design thereof; and shall always loan upon interest all the money belonging to said funds, in such sums and for such term of time, not exceeding one year, as they shall think proper, upon the bond or note of the borrower, with a mortgage of real estate to three times the value of the sum loaned,

loaned, as collateral security for the re-payment of the principal sum, with interest annually till paid; and said Trustees shall annually pay over the interest arising from said fund to the settled Congregational Minister in said town, for his salary; and so long as said Congregational Society shall remain without a regular ordained Minister, the annual interest aforesaid shall be put out at interest, and secured as aforesaid, to increase the said fund, until there be a re-settlement of a Minister; and it shall never be in the power of said Congregational Society to alienate or in any wise alter the fund aforesaid.

SECT. 7. *And be it further enacted*, That said Trustees may alienate, by good and sufficient deeds in law, any real estate, the title whereof shall be vested in them by way of mortgage, or by operation of law. Trustees to give deeds.

SECT. 8. *And be it further enacted*, That the Trustees, or their officers, for the services they may perform, shall be entitled to no compensation out of any monies arising from the fund aforesaid; but if entitled to any, shall have and receive the same of said Congregational Society, as may be mutually agreed on. — not to be paid from the fund.

SECT. 9. *And be it further enacted*, That said Trustees and their successors shall exhibit to said Congregational Society, at their annual meeting in *March* or *April*, a regular and fair statement of their doings. Annual statement to be made.

SECT. 10. *And be it further enacted*, That said Trustees and each of them shall be responsible to said Congregational Society for their personal negligence or misconduct, whether they be officers of said Society or not, and liable to a suit for any loss or damage arising thereby; the debt or damage recovered in such suit to be, for the use aforesaid. Trustees responsible.

SECT. 11. *And be it further enacted*, That *Paul Little*, Esq. be, and he hereby is authorized and empowered to fix the time and place for holding the first meeting of said Trustees, and to notify each Trustee thereof. First meeting.

[This Act passed *March 2, 1804.*]

An ACT in addition to an Act, entitled, “An Act for incorporating certain Persons for the Purpose of building a Bridge over *Charles River*, from the westerly Part of *Boston* to *Cambridge*, and for extending the Interest of the Proprietors of *Charles River Bridge* for a Term of Years.” March 8, 1792.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That it shall be lawful for the Proprietors of the *West-Boston Bridge*,

Bridge, and they hereby are authorized and empowered, to make the leaves of the draw directed by an Act, entitled, "An Act for incorporating certain persons for the purpose of building a bridge over *Charles River*, from the westerly part of *Boston* to *Cambridge*, and for extending the interest of the Proprietors of *Charles River Bridge*, for a term of years," to be erected and kept on said Bridge, twenty-eight feet long, instead of forty feet: *Provided*, That the width of said draw shall at no time be reduced.

[This Act passed *March 2, 1804.*]

An ACT to authorize the Sale of the Lands reserved for the Use of the Ministry, in the Town of *New-Gloucester*, and to appoint Trustees to manage the Funds which may be raised therefrom.

Preamble.

WHEREAS the Congregational Society in the town of *New-Gloucester* have petitioned for leave to sell the lands in said town which were, in the original grant of the said town, appropriated for the support of the Ministry, and to vest the proceeds of the sale in funds to be appropriated and applied to that purpose:

Lands to be
fold, and a
ministerial fund
formed.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the First Congregational Society in the town of *New-Gloucester*, in the county of *Cumberland*, be, and hereby are authorized to sell the lands which were in the original grant of the said township, being a sixty-third part, reserved for the support of the Ministry in the said town, and to invest the proceeds of the sale of said lands in funds, which shall be exclusively appropriated and applied to the support of a Minister in the said First Congregational Society forever: And the monies arising from the said sale shall be put out on interest, and the interest accruing thereby applied in the manner hereinafter directed.

Trustees.

SECT. 2. *And be it further enacted,* That *Isaac Parsons, Nathaniel Coit Allen, and Ezekiel Whitman, Esqrs. Messrs. Andrew Campbell, Jabez Cushman, Enoch Fogg, and Isaac Parsons, jun.* be, and they are hereby appointed Trustees for the prudent care and management of the said fund; and for that purpose shall be a Body Corporate and Politic by the name of *The Trustees of the Congregational Fund in New-Gloucester*; and they and their successors by the same name may sue and be sued in all actions, real, personal or mixed, and may prosecute and defend the same to final judgment and execution; and shall have and keep a common seal, subject to be changed or altered at their pleasure:

pleasure: And the said Trustees and their successors may and shall annually elect a President, and a Treasurer to receive and apply the monies herein mentioned as is hereafter directed; and also a Clerk to record the doings of the said Trustees, and for which purpose a book or books shall be from time to time provided and kept.

SECT. 3. *And be it further enacted*, That the number of said Trustees shall never at any one time exceed seven, nor be less than five, and any five of their number shall be a quorum for transacting business; and they shall have power, from time to time, to fill up vacancies in their number, which may happen by death, resignation, removal, or otherwise, from the members of the said Congregational Society; and shall also have power to remove any of their number who, through age, infirmity, misconduct, or from any other cause, shall become unfit or incapable of discharging their duty, and to supply any vacancy so made by a new choice from the Society aforesaid: And the said Trustees shall appoint a day in the month of *April* for the annual meeting, and may call other meetings as often as may be found necessary to transact their business; which meetings, after the first, shall be called in such way and manner as the said Trustees shall direct.

SECT. 4. *And be it further enacted*, That the said Trustees be, and they are hereby authorized to sell and convey, in fee simple, all the said lands appropriated for the use of the Ministry belonging to the said Congregational Society; and the Treasurer of the said Corporation, by the direction of the said Trustees, is hereby authorized to make, execute and acknowledge a good and sufficient deed or deeds, with the seal of the said Corporation affixed thereto; and any deed or deeds so made shall be binding on the said Trustees and their successors, and shall be valid and effectual in law, to convey the fee simple from said Society to the purchaser, to all intents and purposes whatsoever.

SECT. 5. *And be it further enacted*, That the monies arising from the sale of the said lands shall be put at interest, as soon as may be, and secured by mortgage on real estate to the full value of the estate sold, or by two or more sufficient sureties, with the principal, unless the Trustees shall think it best to invest the same in public funded securities, or bank stock, which they shall have power to do, whenever, in their opinion, it will be most for the interest of the said Society: And a sum equal to one half of the interest arising from the said capital, for the first year, shall be annually appropriated out of the same, towards the discharge of the salary of the Minister in the said Congregational Society; and the residue thereof, with

the principal, put at interest, whereby to produce an accumulating fund; and the same shall continue so accumulating until the interest annually arising on the principal shall be equal to *four hundred dollars*, when the interest shall be annually applied to the discharge of the salary of the said Minister.

SECT. 6. *And be it further enacted*, That the said fund shall always be held and deemed to be unalienable, and shall never be used or applied to any other purpose than the support of a Minister in the said Congregational Society: And the said Trustees, their officers, agents or attorneys, shall never receive any compensation for any services performed by virtue of this Act, from any part of said fund; but if entitled to any, shall receive the same by a special grant voted by the said Society for such services, or as may be mutually agreed on by such persons so employed and the said Trustees.

SECT. 7. *And be it further enacted*, That it shall be lawful for the said Society to possess and hold, in fee simple, real or personal estate to the amount of *twenty thousand dollars*; and for that purpose may receive and hold donations and legacies, by gift, grant, devise, bequest, or otherwise, monies, public securities, lands, tenements, or other estate, real or personal, which shall be added to the capital of the fund aforesaid; and shall always be secured, held, and applied to the sole and exclusive support of the Ministry in the said Congregational Society, in the same way and manner, and subject to the same regulations, limitations and security, as is provided in the sixth section of this Act: *Provided however*, That the annual income arising from the whole accumulated property of the said Congregational Society shall never exceed *twelve hundred dollars*.

SECT. 8. *And be it further enacted*, That the said Treasurer shall give bond to the said Trustees for the faithful performance of his duty, and shall be at all times responsible for the security, and for the true and faithful application of the monies which may come into his hands, conformably to the true intent and spirit of this Act, and for all negligence or misconduct in his office: And the said Treasurer and the Trustees, and their successors, shall exhibit to the said Society at their annual meeting in the month of *April*, a fair and regular statement of all their doings.

SECT. 9. *And be it further enacted*, That in case the whole of the annual income and interest should be more than sufficient to pay the salary of the Minister for the time being, agreeably to the contract with him, then the surplus shall be added to the principal, until the interest and income shall amount to *twelve hundred dollars* yearly; unless said Society, at a legal meeting called for that purpose, shall otherwise appropriate said surplus for the payment of other parish charges, which they are hereby authorized to do.

SECT.

SECT. 10. *And be it further enacted*, That *Peleg Candler*, jun. Esq. is hereby authorized to appoint the time and place for the first meeting of the said Trustees, and to notify them accordingly.

First meeting.

[This Act passed March 3, 1804.]

An ACT for increasing the Rates of Toll at the *Patucket Canal*.

June 27, 1792.

June 17, 1797.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this Act, the following toll be, and hereby is granted to the Proprietors of the locks and canals on *Merrimack River*, for passing the locks, canals and passage-ways at *Wickasie* and *Patucket Falls*, to be received at *Patucket*, viz. For every thousand feet of pine boards, *seventy-five cents*; for every thousand feet of two and an half inch pine plank, *two dollars*, and other pine plank in proportion thereto; for every thousand feet of two and an half inch oak plank, *four dollars*, and other oak plank in proportion thereto; for every cord of pine wood, *thirty cents*; for every cord of other wood, *thirty-seven and an half cents*; for every thousand of barrel staves, *seventy-five cents*; for every thousand of hoghead staves, *one dollar and thirty cents*; for every thousand of pipe staves, *two dollars*; for every ton of oak timber, *fifty cents*; for every ton of pine timber, *thirty cents*; for every boat or other vessel, at the rate of *thirty-seven and an half cents* for every ton burthen it is capable of conveying, whether loaded or not; for every mast, at the rate of *twenty-five cents* for every inch of the diameter thereof, at one third of the length from the largest end; and for all articles not enumerated, in proportion to the rates aforesaid: *Provided nevertheless*, That the rates of toll aforesaid shall be subject to the direction of the Legislature after the expiration of thirty years from the passing of this Act.

New toll established.

SECT. 2. *Be it further enacted by the authority aforesaid*, That all laws heretofore passed regulating the rates of toll at the *Patucket Canal* be, and they hereby are repealed.

Former toll abolished.

[This Act passed March 3, 1804.]

An ACT to incorporate *Walter Folger, jun. and others,* into a Company, by the Name of *The Nantucket Marine Insurance Company.*

Term of incorporation, &c.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said *Walter Folger, jun. and others,* and all such persons as have already, or shall become Stockholders in said Company, being citizens of the *United States,* be, and they hereby are incorporated into a Company and Body Politic, by the name of *The Nantucket Marine Insurance Company,* for and during the term of twenty years after the passing of this Act; and by that name may sue or be sued, plead or be impleaded, appear, prosecute and defend to final judgment and execution, and have a common seal, which they may alter at pleasure; and may purchase, hold and convey any estate, real or personal, for the use of said Company, subject to the restrictions hereinafter mentioned.

Value & number of shares,

SECT. 2. *And be it further enacted,* That a share in the capital stock of said Company shall be *one hundred dollars,* and the number of shares shall be *one thousand;* and if the said number of shares are not already filled, subscriptions shall be kept open, under the inspection of the President and Directors of the said Company, until the same shall be filled; and the whole capital stock, estate or property which the said Company shall be authorized to hold, shall be *one hundred thousand dollars,* exclusive of premium notes, or profits arising from their business; of which capital stock or property not more than *ten thousand dollars* shall be invested in real estate.

Directors to manage the Company's affairs.

Mode of electing Directors.

SECT. 3. *And be it further enacted,* That the stock, property, affairs and concerns of the said Company shall be managed and conducted by seven Directors, one of whom shall be the President thereof, who shall hold their offices for one year, and until others shall be chosen, and no longer; which Directors shall, at the time of their election, be Stockholders, and citizens of this Commonwealth; and shall be elected on the second Monday in *January,* in each and every year, at such times of the day, and at such place in the town of *Nantucket,* as a majority of the Directors for the time being shall appoint, of which election public notice shall be given by advertizing at two of the most public places in the town of *Nantucket,* for the space of ten days immediately preceding such election; and such election shall be holden under the inspection of three Stockholders, not being Directors, to be appointed previous to every election by the Directors, and shall be made by ballot, by a majority of votes of the Stockholders present, allowing one vote to each share.

in

in the capital stock: *Provided*, no Stockholder shall be allowed more than ten votes; and the Stockholders not present may vote by proxy, under such regulations as the Company shall prescribe: And if in case of any unavoidable accident the said Directors shall not be chosen on the second Monday of *January* as aforesaid, it shall be lawful to choose them on another day, in manner herein prescribed.

Provided.

SECT. 4. *And be it further enacted*, That the Directors so chosen shall meet as soon as may be after every election, and shall choose out of their number one person to be President, who shall preside until his successor shall be chosen, and shall be sworn faithfully to discharge the duties of his office; and in case of the death, resignation or inability to serve, of the President or any Director, such vacancies shall be filled, for the remainder of the year in which they shall happen, by a special election for that purpose, to be held in the same manner as is herein before directed respecting annual elections for Directors and President.

President to be chosen and sworn.

SECT. 5. *And be it further enacted*, That the President and three of the Directors, or four of them in his absence, shall be a Board competent to the transacting of business; and all questions before them shall be decided by a majority of votes; and they shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of said Company, and the transfer of the shares, and touching the duties and conduct of the several officers, clerks and servants employed, and the election of Directors, and all such matters as appertain to the business of insurance; and shall have power to appoint a Secretary, and so many clerks and servants for carrying on of said business, and with such salaries and allowances to them, and to the President, as to the said Board shall seem meet: *Provided*, That such by-laws, rules and regulations shall not be repugnant to the laws of this Commonwealth.

Board for business; & their powers.

SECT. 6. *And be it further enacted*, That there shall be stated meetings of the Directors at least once in every month, and as often within each month as the President and Board of Directors shall deem proper; and the President, and a Committee of three of the Directors, to be by him appointed in rotation, shall assemble daily, if need be, for the dispatch of business; and the said Board of Directors, and the Committee aforesaid, at and during the pleasure of the Board, shall have power and authority, on behalf of the Company, to make insurance upon vessels, freights, money, goods and effects, and against the captivity of persons, and on the life of any person during his absence by sea, and in cases of money lent upon *bottomry* and *respondentia*; and

Monthly meetings prescribed.

What may be insured.

to

to fix the premiums and terms of payment: And all policies of insurance by them made shall be subscribed by the President, and in case of his death, sickness, inability or absence, by any two of the Directors, and countersigned by the Secretary, and shall be binding and obligatory upon the said Company, and have the like effect and force as if made under the seal of said Company; and the assured may thereupon maintain an action of the case against the said Company; and all losses duly arising under any policy so subscribed, may be adjusted and settled by the President and Board of Directors, and the same shall be binding on the Company.

Semi-annual
dividends to be
made.

Case of loss af-
fecting the
capital:

SECT. 7. *And be it further enacted*, That it shall be the duty of the Directors, on the second Monday of *January* and *June* in every year, to make dividends of so much of the interest arising from their capital stock, and the profits of said Company, as to them shall appear advisable; but the monies received, and the notes taken for premiums on risks, which shall be undetermined and outstanding at the time of making such dividends, shall not be considered as part of the profits of the Company: And in case of any loss or losses whereby the capital stock of the Company shall be lessened, each Proprietor or Stockholder's estate shall be held accountable for the deficiency that shall be due on his share or shares, at the time of said loss or losses taking place, to be paid unto the said Company by assessments, or such other mode, and at such time or times as the Directors shall order; and no subsequent dividend shall be made until a sum equal to such diminution, shall have been added to the capital; and that once in every two years, and oftener if required by a majority of the votes of the Stockholders, the Directors shall lay before the Stockholders, at a general meeting, an exact and particular statement of the profits, if any there be, after deducting losses and dividends.

Corporation
not to trade.

SECT. 8. *And be it further enacted*, That the said Company shall not directly nor indirectly deal or trade in buying or selling any goods, wares, or merchandize, or commodities whatever; and the capital stock of said Company, after being collected at each instalment, shall, within six months, be vested either in the funded debt of the *United States*, or of this Commonwealth, or in the stock of the *United States' Bank*, or of any incorporated Bank of this Commonwealth, at the discretion of the President and Directors of said Company, or of other officers which the Stockholders shall for such purpose appoint.

Instalments.

SECT. 9. *And be it further enacted*, That *fifty dollars* on each share in said Company shall be paid within ninety days after the first meeting of said Company; and the remaining sum due on each share within one year afterwards, by such equal instalments, and under such penalties as the said Company shall direct;

direct; and no transfer of any share in said Company shall be permitted, or be valid, until all the instalments on such share shall have been paid.

SECT. 10. *And be it further enacted,* That no person being a Directors of Director of any other Company carrying on the business of other Companies marine insurance, shall be eligible as a Director of the Company ineligibile by this Act established. in this.

SECT. 11. *And be it further enacted,* That the property of any member of said Company, vested in the stock of said Company, with the dividend or dividends due thereon, shall be liable to attachment and execution in favour of any *bona fide* creditor, in manner following, viz. Whenever a proper officer, having a writ of attachment or execution against any such member, shall apply with such writ or execution to the Secretary of said Company, it shall be the duty of said Secretary to expose the books of the Corporation to such officer, and furnish him with a certificate, under his hand in his official capacity, ascertaining the number of shares the said member holds in said Company, and the amount of the dividend or dividends due thereon; and when any such share or shares shall be attached on *mesne process*, or taken in execution, an attested copy of such writ of attachment or execution shall be left with the said Secretary; and such share or shares may be sold on execution, after the same notification of the time and place of sale, and in the same mode of sale as other personal property; and it shall be the duty of the officer making such sale, within ten days thereafter, to leave an attested copy of the execution, with his return thereon, with the Secretary of the Company, and the vendee shall thereby become the Proprietor of such share or shares, and entitled to the same, and to all the dividends which shall have accrued thereon after the taking in execution as aforesaid, or when there shall have been a previous attachment, after such attachment, notwithstanding any intervening transfer.

SECT. 12. *And be it further enacted,* That in case of any loss or losses taking place that shall be equal to the amount of the capital stock of said Company, and the President and Directors, after knowing of such loss or losses taking place, shall subscribe to any policy of insurance, their estates jointly and severally shall be accountable for the amount of any and every loss which shall take place under policies thus subscribed. President's & Directors' estates liable in certain case.

SECT. 13. *And be it further enacted,* That the President and Directors of said Company shall, previous to their subscribing to any policy, and once in every year after, publish in two of the most public places in the town of *Nantucket*, the amount of their stock, against what risks they mean to insure, and the largest sum they mean to take on any one risk. Amount of stock to be published.

SECT.

Statements to be laid before the Legislature. **SECT. 14.** *And be it further enacted,* That the President and Directors of said Company shall, when, and as often as required by the Legislature of this Commonwealth, lay before them a statement of the affairs of said Company, and submit to an examination under oath concerning the same.

First meeting. **SECT. 15.** *And be it further enacted,* That *Isaac Coffin, Esq.* be, and is hereby authorized to call a meeting of the members of said Company, by advertizing the same in two of the most public places in the town of *Nantucket*, for ten days successively, for the purpose of electing their first Board of Directors, who shall continue in office until the second Monday in *January*, one thousand eight hundred and five, and until others are chosen in their stead.

Insurance on one risk restricted. **SECT. 16.** *And be it further enacted,* That the said President and Directors shall not be allowed to insure on any one risk, a larger sum than *ten per centum* of the amount of the capital stock of said Corporation actually paid in.

[This Act passed *March 3, 1804.*]

An ACT to establish *The Taunton and New-Bedford Turnpike Corporation.*

Names of persons incorporated. **SECT. 1.** *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *William Rotch, Samuel Leonard, Edward Pope, William Rotch, jun. Samuel Fales, Seth Padelford, Thomas Hazard, Samuel Rodman, Abraham Russell, Samuel Tobey, Nicholas Tillinghast, James Sproat, Samuel Crocker, Thomas Weatherby, Joseph Ricketson, John Howland, jun. William Crocker, and Apollos Tobey,* their associates, with such others as shall hereafter associate with them, and their successors, be, and they are hereby constituted a Corporation by the name of *The Taunton and New-Bedford Turnpike Corporation*; and shall by that name sue and be sued, plead and be impleaded; and shall have a common seal, and use and exercise all the powers and privileges which are hereinafter mentioned, for laying out a turnpike road, from *Taunton Green*, so called, to *New-Bedford*, so as to meet the road leading from *New-Bedford* village to the head of *Acushnet River*, in the most convenient place in the opinion of said Corporation, and to run through *Berkley* and the village of *Assonet*, in *Freetown*, and to make and keep the same in repair; which road shall not be less than four rods wide, and the path to be travelled in not less than twenty-two feet wide in any place: And when the said turnpike road shall be sufficiently made, and approved of by a Committee appointed by the Court of the General Sessions of the Peace of the county of *Bristol*, for that purpose, (*provided*, that no member

Course of the road.

ber of said Committee shall have any share or interest in said turnpike,) then the said Turnpike Corporation shall be authorized to erect turnpike gates, on said road, at such places as the said Committee of said Court of Sessions, and the said Corporation shall judge necessary and convenient for collecting the toll; the said gates to be not less than ten miles distant from each other: *Provided*, That neither of the gates aforesaid shall be placed on any part of the road now travelled: *And provided always*, That on any complaint made to the Court of the General Sessions of the Peace of the said county of *Bristol*, that said road, or any part thereof, is out of repair, or the said gates are improperly situated, it shall be the duty of the said Court to appoint a Committee to repair to and view the said road, and hear the parties; and if it shall appear to the said Committee that the complaint is well founded, they are hereby authorized and directed to lay open the said gates, or to remove the same to any other part of said road, as in either case it shall appear to them necessary; and that said gates, whenever they shall be laid open as aforesaid, shall so remain, and no toll shall be demanded of any passenger, until the said road shall be so amended, as in the opinion of said Court, or a Committee to be by them appointed for that purpose, shall be satisfied that the said road is put again in suitable repair: And said Corporation shall be entitled to receive of each traveller or passenger, at each of said gates, the following rates of toll, viz. For each coach, chariot, phaeton, or other four-wheel carriage, drawn by two horses, *twenty-five cents*, and if drawn by more than two horses, an additional sum of *four cents* for each horse; for every cart or waggon, drawn by two horses or oxen, *twelve and an half cents*, and if drawn by more than two horses or oxen, an additional sum of *three cents* for each ox or horse; for every curricule, *seventeen cents*; for every chaise, chair or other carriage, drawn by one horse, *ten cents*; for every man and horse, *six cents*; for every sled or sleigh, drawn by two oxen or horses, *ten cents*, if drawn by more than two oxen or horses, an additional sum of *three cents* for each ox or horse; for every sled or sleigh, drawn by one horse, *six cents*; for all horses, mules, oxen or neat cattle, led or driven, besides those in teams or carriages, *one cent* each; for all sheep or swine, at the rate of *three cents* for one dozen: *Provided*, That said Corporation may, if they see cause, commute the rate of toll with any Corporation, person or persons, by taking of him or them a certain sum annually, to be mutually agreed on in lieu of the toll aforementioned.

Gates to be erected when the road is approved.

Toll established.

The rate of toll may be commuted.

SECT. 2. *And be it further enacted*, That the said Corporation may purchase and hold land over which they may make said road; and the Justices of the Court of General Sessions of the said county of *Bristol*, may hold land; and must pay damages for such as may be taken.

the Peace in the county of *Bristol*, are hereby authorized, on application of the said Corporation, to lay out the said road, or any part thereof within the said county of *Bristol*, as with the consent of the said Corporation they shall think proper: And the said Corporation shall be liable to pay all damages that shall arise to any person by taking his land for such road, where the same cannot be obtained by voluntary agreement, to be estimated by a Committee to be appointed by the Court of General Sessions of the Peace of the county wherein the said land lieth, saving to either party the right of trial by Jury, according to the law which makes provision for the recovery of damages arising from the laying out of highways: *Provided always*, That whenever a Jury may be requested by either party, by virtue of this Act, in case of a verdict for excess of damages, that the expense of the Jury, and all other lawful charges, shall at all times be paid by said Corporation.

Penalty for delaying travellers.

How the fine is to be recovered.

SECT. 3. *And be it further enacted*, That if the said Corporation, or their toll-gatherers, or others in their employ, shall unreasonably delay or hinder any traveller or passenger at either of the said gates, or shall demand or receive any more toll than is by this Act established, the Corporation shall forfeit and pay a sum not exceeding *ten dollars* nor less than *two dollars*, to be recovered before any Justice of the Peace of the county where the offence shall be committed, by any person injured, delayed or defrauded, in a special action on the case; the writ in which shall be served on said Corporation, by leaving an attested copy of the same with the Treasurer, or some individual member living in the county where the action may be brought, or by reading the same to said Treasurer or individual member, at least seven days before the trial; and the said Treasurer, or individual member, shall be allowed to defend the same suit in behalf of the said Corporation: And the said Corporation shall be liable to pay all damages that shall happen to any person from whom the toll is demandable, for any damage which shall arise from the defect of bridges, or the want of repairs in said way; and shall also be liable to presentment by the Grand Jury, for not keeping the same in good repair.

Penalties for injuring road, and forcibly passing gates, or evading toll.

SECT. 4. *And be it further enacted*, That if any person shall cut, break down, or otherwise injure or destroy either of the said turnpike gates, or shall dig up or carry away any earth from the said road, or in any manner damage the same, or shall forcibly pass, or attempt to pass either of the said gates by force, without first having paid the legal toll at such gate, such person shall forfeit and pay a fine not exceeding *fifty dollars* nor less than *fifteen dollars*, to be recovered by the Treasurer of said Corporation to the use thereof, in an action of trespass: And if any person with his team, cattle or horse turn out of the said

said road to pass any of the turnpike gates, and again enter on said road, to evade the toll due by virtue of this Act, such person shall forfeit and pay *three dollars*, to be recovered by the Treasurer of said Corporation, to the use of the same, in an action on the case: *Provided*, That nothing in this Act shall extend to entitle the said Corporation to demand and receive toll of any person who shall be passing with his horse or carriage to or from public worship, or with his horse, team or cattle, to or from his common labour on his farm, or to or from any grist-mill, or on the common and ordinary business of family concerns within the town of which they are inhabitants, or from any person or persons passing on military duty.

SECT. 5. *And be it further enacted*, That the shares in the same turnpike road shall be taken, deemed and considered to be personal estate to all intents and purposes, and shall and may be transferable; and the mode of transferring said shares shall be by deed, acknowledged before any Justice of the Peace, and recorded by the Clerk of said Corporation, in a book for that purpose to be provided and kept: And when any shares shall be attached on *mesne process*, or taken in execution, an attested copy of such writ of attachment or execution shall, at the time of attachment or taking in execution, be left with the Clerk of the Corporation, otherwise the attachment or taking in execution shall be void; and such shares may be sold on execution in the same manner as is or may by law be provided for making sale of personal property on execution, and the officer making the sale, or the judgment creditor, leaving a copy of the execution, with the officer's return on the same, with the Clerk of said Corporation, within fourteen days after such sale, and paying for the recording of the same, shall be deemed and considered as a sufficient transfer of such share or shares in said turnpike road.

Shares to be considered personal estate; mode of transfer & attachment prescribed.

SECT. 6. *And be it further enacted*, That the abovenamed *William Rotch, Samuel Leonard, and Edward Pope*, or any two of them, may fix the time and place of the first meeting of the said Proprietors, by publishing the same in the newspapers printed at *New-Bedford*, three weeks at least previous to the time therein named for said meeting, for the purpose of choosing a Clerk, who shall be sworn to the faithful discharge of the duties of his said office, and such other officers as shall then and there be agreed upon by a majority of said Proprietors, allowing one vote to each share: *Provided*, That no Proprietor shall have more than ten votes: And the said Corporation may at the same time establish such rules and regulations as shall be judged necessary for the well-ordering its affairs; and also agree upon a method of calling future meetings: *Provided however*, That such rules and regulations shall in no case be repugnant to the Constitution and laws of this Commonwealth.

Persons authorized to call the first meeting.

SECT.

Statement of
receipts & ex-
penditures to
be exhibited.

SECT. 7. *And be it further enacted,* That the said Corporation shall, within six months after said road is completed, lodge in the Secretary's office an account of the expenses thereof; and that the said Corporation shall annually exhibit to the Governor and Council a true account of the income or dividend arising from the toll, with their necessary annual disbursements on said road; and the books of said Corporation shall at all times be subject to the inspection of a Committee to be appointed by the General Court, and subject to the inspection of the Governor and Council when called for.

Shares of de-
linquents may
be sold.

SECT. 8. *And be it further enacted,* That whenever any Proprietor shall neglect or refuse to pay any tax or assessment duly voted and agreed upon by the Corporation, to their Treasurer, within sixty days after the time set for the payment thereof, the Treasurer of said Corporation is hereby authorized to sell at public vendue the share or shares of such delinquent Proprietor, as shall be sufficient to pay the said taxes and necessary incidental charges, after duly notifying in the newspaper printed at *New-Bedford*, the sum due on such shares, and the time and place of sale, at least thirty days previous to the time of sale; and such sale shall be a sufficient transfer of the share or shares so sold to the person purchasing the same; and on producing a certificate of such sale, from the Treasurer to the Clerk of said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the book of said Corporation; and such person shall be considered to all intents and purposes the Proprietor thereof; and the overplus, if any, shall be paid on demand by the Treasurer, to the person whose shares were thus sold.

A sign-board
to be erected.

SECT. 9. *And be it further enacted,* That the said Corporation shall, at all places where the said toll shall be collected, erect and keep constantly exposed to view, a sign or board, with the rates of toll of all the tollable articles fairly and legibly written thereon in large and capital characters.

Corporation
may be dissolv-
ed when the
members are
indemnified.

SECT. 10. *And be it further enacted,* That the General Court may dissolve the said Corporation, whenever it shall appear to their satisfaction that the income arising from the said toll shall have fully compensated said Corporation for all monies they may have expended in purchasing, repairing and taking care of said road, together with an interest thereon at the rate of *twelve per cent.* by the year; and thereupon the property of said road shall be vested in this Commonwealth, and be at their disposal: *Provided,* That if the said Corporation shall neglect to complete the said turnpike road, for the space of four years from the passing of this Act, the same shall be void and of no effect.

[This Act passed *March 3, 1804.*]

An ACT to regulate the taking of Alewives within the Town of *Boxford*, and for other Purposes therein mentioned.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That it shall and may be lawful for the town of *Boxford* to take alewives within the limits of said town, in the streams leading from *Russ Pond*, *Little Pond*, and *Johnson's Pond*, to *Merrimack River*, on such days as are allowed by law for taking said fish in *Merrimack River* and streams emptying into the same; and on such of those days, and in such place or places within their limits, as the town, or a Committee who may be appointed as by this Act is provided, may direct. Times of taking the fish.

SECT. 2. *And be it further enacted,* That the inhabitants of the town of *Boxford*, at their meeting for the choice of town officers in *March* or *April* annually, be, and they are hereby authorized and empowered to choose by ballot not less than three, nor more than seven persons, being freeholders in said town, a Committee to direct and oversee the taking the said fish as aforesaid; which Committee shall be sworn to the faithful discharge of their trust, and shall distribute the fish taken by them or under their direction, as equally as circumstances will admit, to such of the inhabitants of said town or other persons as may apply for the same: And for fish so supplied and delivered, the Committee aforesaid shall demand and receive of the person or persons applying therefor, payment at such rate or rates as the inhabitants of said town, at their annual meeting in *March* or *April*, may direct; excepting of such poor persons which shall be named in a list to be annually made out by the Selectmen of the town, and who, in the opinion of the Selectmen, are unable to pay for the same; which list shall be given to the Committee, and the person or persons borne on said list shall be supplied with such quantities of said fish gratis as the Committee may consider expedient: And the Committee aforesaid shall have such allowance for their services as the inhabitants of said town, in open town meeting, may determine; and shall annually, in the month of *September* next after their appointment, exhibit their accounts to the Selectmen for settlement, and pay the balance, if any remains, into the town treasury, for the benefit of said town. Fish Committee to be chosen.

SECT. 3. *And be it further enacted,* That the town of *Boxford* may erect and keep in repair a dam, sluice and gate-way, in the stream below *Russ Pond*, and raise the water in said pond six inches above the usual height, from the first day of *June* to the first day of *December* annually, or for such part of A dam, sluice and gate-way to be erected,
that

that time as shall by the Committee aforesaid be considered necessary to facilitate the passing of the fish at the time of their going down the stream to *Johnson's Pond*: And if any person shall in any way destroy or injure the said dam, sluice and gate-way as aforesaid, or shall open the same so as to draw off the water from said pond, otherwise than shall be done by the Committee aforesaid, or by their direction, such person so offending shall forfeit and pay for every such offence a sum not exceeding *one hundred and fifty dollars*, nor less than *thirty dollars*.

Obstructions
to be removed
from the
streams.

Penalty for ob-
structing the
passage of the
fish.

— for illegally
taking the fish.

Committee,
&c. may go on
any land thro'
which the
streams pass.

SECT. 4. *And be it further enacted*, That the Committee to be chosen as aforesaid, or the major part of them, be, and they are hereby authorized to clear any obstructions, and to open the natural course of said streams, by making them wider and deeper, or to open any dam, or the sluice-way of any mill or other water-works, that is or may be erected over said streams or passage-ways: *Provided* such owner or owners shall neglect to open the same when thereto required by said Committee, or the major part of them as aforesaid; and the dam or sluice-way so opened shall continue open to such width and depth, and for such length of time, (not exceeding sixty days in one year,) as said Committee, or the major part of them, may think necessary, with the least possible damage to the Proprietor or Proprietors of such mill or water-works: And if any person or persons shall obstruct the passage-ways allowed and ordered by said Committee, or the major part of them, or shall obstruct the passage of said fish in any other part of said streams or passage-ways than is permitted by this Act, such person or persons so offending shall forfeit and pay a sum not exceeding *one hundred and fifty dollars*, nor less than *thirty dollars*.

SECT. 5. *And be it further enacted*, That if any person or persons, other than the Committee, or such person or persons as shall be by them employed, shall take any of said fish in said streams or passage-ways, or any part thereof, at any time, or by any way or means whatsoever, each person so offending shall forfeit and pay a sum not exceeding *seven dollars*, nor less than *four dollars* for each offence.

SECT. 6. *And be it further enacted*, That the Committee chosen as aforesaid, or either of them, or any person employed by them, paying a reasonable compensation therefor, if demanded, shall have authority, for the purposes aforesaid, to go on the land or meadow of any person through which such streams or passage-ways pass, without being considered as trespassers; and any person who shall molest or hinder said Committee, or any of them, or any person employed by them, in the execution of their duty, shall be subject to the same penalties

alties as by this Act is incurred for placing obstructions on said streams and passage-ways.

SECT. 7. *And be it further enacted*, That if the Committee, or either of them, shall detect any person or persons in attempting to take any of said fish at any time or place, or in any manner, otherwise than is allowed by said Committee, or shall find any such fish with any person or persons, they shall be considered and deemed to have taken such fish unlawfully, and shall be subject to the penalties of this Act accordingly, unless such person or persons can make it appear, on trial, they came by said fish in some other way.

Persons found with fish to be supposed to have taken them unlawfully, unless they prove the contrary.

SECT. 8. *And be it further enacted*, That if any minor or servant shall be found taking any of said fish, in any way contrary to this Act, or contrary to the rules and regulations of the said town of *Boxford*, or their Committee as aforesaid, the parents, guardians and masters of such minors or servants, shall be held to pay all fines incurred by them for any breach of this Act, or the rules and orders of the town aforesaid.

Parents, &c. accountable for minors.

SECT. 9. *And be it further enacted*, That it shall be the duty of the Committee of the town, chosen as aforesaid, to prosecute for any breach of this Act; and all prosecutions shall be brought in the name of the Town Treasurer for the time being, by an action on the case, in any Court proper to try the same; and all fines or forfeitures recovered thereby, shall accrue, one half thereof to the complainant, and the other half to the use of the town; and no person, by reason of his being one of the said Committee, or an inhabitant of said town, shall thereby be disqualified from being a witness in any prosecution for a breach of this Act.

The Committee are to prosecute for fines, &c.

[This Act passed *March 3, 1804.*]

An ACT in addition to an Act, entitled, “An Act to establish a Corporation by the Name of *The Cambridge and Concord Turnpike Corporation.*”

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Proprietors of *The Cambridge and Concord Turnpike* be, and they are hereby authorized and empowered to reduce the width of said road, in certain places, from four rods to fifty feet; which places shall be determined by a Committee to be appointed by the Court of General Sessions of the Peace for the county of *Middlesex*.

The width of the road may be reduced.

SECT. 2. *And be it further enacted*, That not more than half the rate of toll established by the Act to which this is in addition, shall be demanded for any cart or waggon, the fel-

Provision for carriages with broad wheels.

lies

lies of the wheels of which shall not be less than six inches broad: And the General Court may at any time otherwise regulate the tolls on carts and waggons, according to the width of the fellies of the wheels on which they shall run, and the burthens they shall carry.

[This Act passed March 5, 1804.]

An ACT empowering the Selectmen of the Town of *Boston* to nominate and appoint Forty Engine-Men for Engine Number Fourteen in said Town, called *The Cataract*.

40 men allowed for the Cataract engine.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Selectmen of the town of Boston be, and they are hereby empowered to nominate and appoint, as soon as may be, after the passing of this Act, and ever after, in the month of January annually, a number of suitable persons, not exceeding forty, for engine-men, for engine number fourteen in said town, called The Cataract: and the engine-men, who may be nominated and appointed in manner aforesaid, shall be excused from all military duty; and shall have power to choose a master or director of the said engine, and shall meet once in each month to examine the state of said engine.*

Duty of the engine-men.

SECT. 2. *And be it further enacted by the authority aforesaid, That the said engine-men shall, either by night or by day, use their best endeavours to extinguish any fire that may happen in the same town, or the vicinity thereof, under the direction of the firewards in the same town: And if any engine-man shall be negligent and remiss in the duties required of him by this Act, the Selectmen may strike his name from the list, and proceed to appoint another person in his stead.*

[This Act passed March 5, 1804.]

An ACT to set off the North-east Part of the Town of *Dorchester*, and to annex the same to the Town of *Boston*.

Boundaries of land set off.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all that part of Dorchester lying north-east of the following line, viz. Beginning at a stake and stones at Old Harbour, so called, at the south-west corner of land formerly belonging to John Champney, running north thirty-seven*
and

and one half degrees west, to a large elm tree, marked D on the south-west side and B on the north-east side, standing on land belonging to the heirs of *Thomas Bird*, deceased; then running the same course to a heap of stones, on the south-east side of the road; thence across the road, the same course, to a heap of stones on the north-west side; thence on the same course to a black oak tree, standing on a small hummock, marked D on one side and B on the other side, upon land of *Ebenezer Clap*, jun.; thence the same course till it comes to *Boston* harbour, with the inhabitants thereon, be, and they hereby are annexed to the town of *Boston*, in the county of *Suffolk*; and shall hereafter be considered and deemed to be a part of the town of *Boston*: *Provided*, That the said tract of land, and the inhabitants thereon, set off as aforesaid, shall be holden to pay all such taxes as are already assessed, or ordered to be assessed by said town of *Dorchester*, in the same manner as they would have been if this Act had not been passed.

Proviso re-
specting taxes.

SECT. 2. *And be it further enacted*, That the Proprietors of said tract shall assign and set apart three lots of land on the same for public use, viz. one lot for the purpose of a public market place, one lot for a school-house, and one lot for a burial ground, to the satisfaction and acceptance of the Selectmen of the town of *Boston*; or in case the said Selectmen and Proprietors shall not agree upon the said lots, it shall be lawful for the Supreme Judicial Court, at any session thereof in the said county of *Suffolk*, upon application of the said Selectmen to nominate and appoint three disinterested freeholders within the Commonwealth, and not inhabitants of said town of *Boston*, to assign and set off the three lots aforesaid by metes and bounds; and the report of the said freeholders, or any two of them, being made and returned to, and accepted by the said Court, at any session thereof in said county, shall be final and binding upon all parties; and the lots of land by them assigned and set off as aforesaid shall thenceforth vest in the said town of *Boston* forever, without any compensation to be made therefor by the town; but if the person or persons whose lands shall be assigned and set apart as aforesaid, shall demand compensation therefor, the same shall be appraised by three freeholders, to be appointed as aforesaid, who shall also assess upon the other Proprietors the sum or sums which each shall be holden to pay to the person whose lands may be thus assigned for public use; and the report of said freeholders, or any two of them, being made and returned to, and accepted by said Court, judgment thereon shall be final, and execution awarded, as in cases of reports by referees under a rule of Court.

Lots for public
use.

Selectmen to
lay out streets,
&c.

Proviso.

SECT. 3. *And be it further enacted,* That the Selectmen of the said town shall be and hereby are authorized to lay out such streets and lanes through the said tract, as in their judgment may be for the common benefit of said Proprietors, and of said town of *Boston*, a reasonable attention being paid to the wishes of the Proprietors; and in case of disagreement between the Selectmen and Proprietors, or either of them, the same proceedings shall be had as are provided by law in other cases for laying out town ways: *Provided only,* That no damages or compensation shall be allowed to any Proprietor for such streets and lanes as may be laid out within twelve months from the passing of this Act: *And provided also,* That the town of *Boston* shall not be obliged to complete the streets laid out by their Selectmen pursuant to this Act, sooner than they may deem it expedient so to do.

[This Act passed *March 6, 1804.*]

An ACT authorizing the Sale of the School-Lot in the Town of *Topsham*, and providing for the Management of the Fund arising therefrom.

Preamble.

WHEREAS the inhabitants of the town of *Topsham*, in the county of *Lincoln*, have represented that the lot of land containing one hundred acres, numbered Sixty-Five, granted by the *Proprietors* to said town, for the support of a public school therein, has not, as yet, answered the design of the donors, and have petitioned this Court for liberty to sell the same, for the purpose of raising an annual income of *three hundred dollars*, for the purpose of the original grant:

Selectmen and
Treasurer au-
thorized to
convey the
land.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Selectmen, together with the Treasurer of the town of *Topsham*, for the time being, are hereby empowered to sell and convey the aforesaid one hundred acres of land, and place the money arising from such sale at interest, as soon as may be, and secure the same by mortgage of real estate, or by one or more sufficient sureties with the principal, unless said Selectmen and Treasurer, or the major part of them, shall think it best to invest the same in public funded securities or bank stock, which they may do.

The interest to
be put at in-
terest.

SECT. 2. *Be it further enacted,* That the interest arising from time to time on such monies shall be annually, or oftener if practicable, put out at interest and secured in manner as aforesaid, and also the interest accruing from the interest, until a fund shall be accumulated which shall yield *three hundred dollars per annum*.

SECT.

SECT. 3. *And be it further enacted,* That as soon as an interest of *three hundred dollars* as aforesaid shall accrue, the said Selectmen and Treasurer, or the major part of them, shall forthwith apply the same to the support and maintenance of a grammar school in said town, and said fund shall not be thereafter appropriated to any other purpose.

Final appropriation of interest.

SECT. 4. *And be it further enacted,* That the said Selectmen and Treasurer shall exhibit to the town, at their annual meeting in *March* or *April*, a regular and fair statement of their doings relative to said fund.

Annual statement to be made.

[This Act passed *March 6, 1804.*]

An ACT to incorporate *The Proprietors of the Boston South Bridge.*

WHEREAS the erecting of a Bridge over the flats and channel of the south-westerly part of *Boston*, from the land belonging to the town of *Boston*, or some place contiguous thereto, to *Dorchester Neck*, would be of great public utility; and *William Tudor, Gardiner Greene*, and others, are desirous of an Act of incorporation, to empower them to build said Bridge, and have subscribed a fund for executing and completing the same:

Preamble.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *William Tudor, Gardiner Greene, Jonathan Mason, and Harrison Gray Otis, Esqrs.* so long as they shall continue Proprietors as aforesaid, together with those who are and shall become their associates, shall be a Corporation and Body Politic, under the name of *The Proprietors of the Boston South Bridge*; and by that name may sue and prosecute, and be sued and prosecuted to final judgment and execution, and do and suffer all other acts and things which Bodies Politic may or ought to do and suffer; and that said Corporation shall have full power and authority to make, have and use a common seal, and the same to break, alter and renew at pleasure.

Incorporating clause.

SECT. 2. *And be it further enacted,* That the abovementioned persons, or any three of them, may, by advertisement in any two of the *Boston* newspapers, call a meeting of the said Proprietors, to be holden at any suitable time and place, after seven days from the publication of said advertisement; and the said Proprietors, by a vote of the majority of those present or represented at said meeting, (accounting and allowing a vote to each share,) shall choose a Clerk, who shall be sworn to the faithful discharge of his office, and also shall agree on a method for calling future meetings; and at the same or any subsequent

Proprietors' meeting to be called, officers chosen and rules established.

subsequent meeting, may make and establish any rules and regulations, (not repugnant to the laws of this Commonwealth,) that shall be convenient or necessary for regulating the said Corporation, effecting, completing and executing the purposes aforesaid, and for collecting the toll herein granted, and the same rules and regulations may cause to be kept and executed, and for the breach of any of them, may order and enjoin fines and penalties not exceeding *thirteen dollars*: And the said Proprietors may also choose and appoint any other officer or officers of the Corporation that they may deem necessary; and all representations of the aforesaid Proprietors at said meetings, shall be proved by a special appointment in writing, signed by the person making the representation, which shall be filed with or recorded by the Clerk; and this Act, and all rules, regulations and votes of said Corporation shall be fairly and truly recorded by the said Clerk in a book or books for that purpose provided and kept; which book or books shall be subject to the inspection of any person or persons for that purpose appointed by the Legislature.

Toll established.

SECT. 3. *And be it further enacted*, That for the purpose of reimbursing the said Proprietors of the said Bridge the money to be expended in building and supporting the same, and of indemnifying them, a toll be, and hereby is granted and established, for the benefit of said Corporation, according to the rates following, viz. For each single horse-cart, sled or sleigh, *six cents*; one person and horse, *four cents*; each wheelbarrow, hand-cart, and every other vehicle capable of carrying like weight, *two cents*; each single horse and chaise, chair or sulkey, *twelve cents*; coaches, chariots, phaetons and curricles, *seventeen cents* each; all other wheel carriages, or sleds, drawn by more than one beast, *eight cents* each; neat cattle or horses passing over said Bridge, exclusive of those rode or in carriages or teams, *two cents* each; swine and sheep, *six cents* for each dozen, and at the same rate for a greater or less number; and in all cases the same toll shall be paid for all carriages passing said Bridge, whether the same be loaded or not loaded; and to each team one man and no more shall be allowed as a driver to pass free from payment of toll; and at all times when the toll-gatherer shall not attend his duty, the gate or gates shall be left open; and the said toll shall commence at the day of the first opening of the said Bridge for passengers, and shall continue for and during the term of seventy years from the said day, and be collected as shall be prescribed by said Corporation.

Bridge to be 40 feet wide, to be accommodated with lamps, and to have a draw.

SECT. 4. *And be it further enacted*, That the said Bridge shall be built of good and sufficient materials, not less than forty feet wide, and well covered with plank or timber suitable

ble for such a Bridge, with sufficient rails on each side for the safety of travellers and protection of foot passengers; and the said Bridge shall be kept accommodated with not less than twenty lamps, which shall be well supplied with oil, and lighted in due season, and kept burning until midnight; and there shall also be made a good and sufficient draw or passage-way, at least thirty feet wide, in the channel over which said Bridge shall be built, proper for the passing and repassing of vessels, through which vessels may pass free of toll; and shall also erect at said draw, and maintain in good repair, a well-constructed and substantial pier or wharf on each side of the said Bridge, and adjoining to the draw, every way sufficient for vessels to lie at securely; and the said draw shall be lifted for all vessels without delay and without toll, except for boats passing for pleasure; and it shall be lawful for the Proprietors of said Bridge to make the leaves of said draw twenty feet long, instead of the width of said Bridge; and the said Bridge shall be kept in good, safe and passable repair for the term of seventy years, to be computed as aforesaid, and at the expiration of said term shall be surrendered in like repair to the Commonwealth, who shall be deemed the successor of said Corporation; and at the several places where the said toll shall be received, there shall be erected by the said Corporation, and exposed to open view constantly, a board or sign, with the rates of toll and all the tollable articles fairly and legibly written thereon in large or capital letters.

SECT. 5. *And be it further enacted*, That the Proprietors of said Bridge shall pay to the master of every vessel that shall be loaded, and of more than twenty tons register measure, that shall pass through said draw, for the purpose of unloading her cargo, *five cents* a ton for each and every ton said vessel shall measure, and the like sum of *five cents* a ton to the master of each and every vessel of more than twenty tons burthen, that shall pass down and through said draw loaded, on her outward passage: *Provided however*, That the same vessel passing up and down, though loaded, shall not be paid for more than one passage: And it shall be lawful, at any period after three years from the passing of this Act, for the Proprietors of said Bridge, or the Directors of the *Roxbury Canal*, to make application to the Governor, who, with the advice of Council, is hereby authorized, upon such application in writing, desiring that a revision of said premium of *five cents* as aforesaid, may be made, to appoint three impartial men to hear the parties, examine the premises, and increase or diminish said premium of *five cents*, as they shall think just; and their award, signed by them, or the major part of them, sealed and certified to the Governor, and by him published, shall be binding upon all

What is to be paid to vessels passing the draw.

Proviso.

Revision of the premium.

all parties, and shall be the sum in future to be paid; and in like manner, and by similar application and process, the same premium may be increased or diminished at the expiration of every five years successively, during the term aforesaid.

And whereas it may be necessary that the said Proprietors, in making and building said Bridge, should take, use and appropriate the lands belonging to other persons:

Persons whose
lands may be
taken are to be
indemnified.

SECT. 6. *Be it therefore further enacted,* That when the said Proprietors shall judge it necessary to take, use and appropriate any lands for the purpose of erecting said Bridge, or either of the wharves of said Bridge thereon, and cannot agree with the owners of such lands upon their value, or the compensation to be made them therefor, or upon suitable persons to appraise the same, then, and in such case, the Justices of the Court of General Sessions of the Peace within and for the county where such lands lie, are hereby authorized and empowered, upon application of either party, to appoint three disinterested freeholders of the county in which such lands lie, to appraise the same, and the damage, if any, which the owner or owners thereof may have thereby sustained, upon the same principles as private property is to be appraised and estimated when taken and appropriated for highways, or the repairing of the same: And such appraisement, being returned into and accepted by said Court, shall be taken and deemed final between the parties, and vest the estate or property so appraised in the said Proprietors; and the said Court shall thereupon issue their execution or warrant therefor against the same Proprietors, unless either party, being dissatisfied with such appraisement, shall, at the next session of said Court after such acceptance, apply for a Jury to appraise and estimate the value thereof, or the damages, if any, thereby done to the owners of such land; in which case the said Court is hereby empowered to hear and finally determine the same by a Jury under oath, to be summoned by the Sheriff, or his Deputy, for that purpose, or by a new Committee, if both parties shall agree thereto; and if the Jury or Committee so appointed or agreed on by both parties, who are to be under oath, shall not return a verdict, or make a report or return more favourable to the petitioners or applicant, than the first Committee, appointed by the Court as aforesaid, the petitioner or applicant shall pay the other party his reasonable costs, otherwise the other party shall pay such costs; and in both cases judgment shall be made up agreeably to verdict of the Jury or report of the last Committee, with or without the deduction of costs therefrom, as the case shall require, and execution shall issue accordingly; and the bodies of any of the same Proprietors shall be, and hereby are made liable to be taken in execution

on such judgment, in the same manner as the inhabitants of any town are by law liable, when judgments are had against them; and the lands shall vest in the same Proprietors, their successors and assigns in fee simple forever.

SECT. 7. *And be it further enacted*, That if the said Corporation shall refuse or neglect, for the space of three years after the passing this Act, to build and complete the said Bridge, then this Act shall be void and of none effect. Time for building the Bridge limited.

SECT. 8. *Be it further enacted*, That in case the Proprietors of said Bridge, or any toll-gatherer or officer by them appointed, shall neglect or refuse to open the draw, or unnecessarily detain any vessel about to pass, the said Corporation shall forfeit and pay, for every such refusal, neglect or unreasonable detention, a sum not exceeding *fifty dollars* nor less than *twenty dollars*, to be recovered by the owner or owners of such vessels in any Court proper to try the same, by a special action on the case. Penalty for refusing or neglecting to open the draw.

[This Act passed March 6, 1804.]

An ACT to incorporate certain Persons for the Purpose of making a Street from *Ransford's Lane*, in the Town of *Boston*, to the Bridge proposed to be built from, at or near the Town's Landing to *Dorchester Neck*. Additional Act, June 18, 1804.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *William Brown, John Clark Brown, Nathaniel Curtis, Edward J. Robbins, John Curtis, Samuel Cobb, Amasa Davis, Samuel May, Perrin May, Benjamin Goddard, Nathaniel Wales, William Marshall, Thomas Burton, Benjamin Thompson, Thomas Bayley, Abraham Gibson, John Gibson, Henry Bass, Charles Guild, Arnold Welles, John Welles, Elizabeth May, Joseph Lovering, Joel Smith, David Trask, Daniel Baxter, David Ellis, Josiah Knapp, and Henry Jackson*, being owners and Proprietors of the lands and flats over which the said street will pass, and of the lands and flats adjoining thereto, together with those who have or shall associate with them for the purpose aforesaid, and their successors, shall be a Corporation, by the name of *Front Street Corporation in the Town of Boston*, with all the powers and privileges incident to similar Corporations, for the purpose of making a street, to commence from the bottom of *Ransford's Lane*, so called, in said town of *Boston*, and from thence to run on a line parallel to *Orange Street*, in said town, or as nearly so as will be convenient, until it intersects a line drawn from, at or near the *Town's Landing*, so called, Names of persons incorporated.
Course of the street.

Width, &c. of
the street.

for called, in said *Orange Street*, to *Dorchester Point*; the termination of said new street being intended to be at the place where *William Tudor*, Esq. and others, have obtained leave to build a bridge to said *Dorchester Point*; the said street to be at least fifty feet wide, and to be kept open and free from incumbrances, and to be made in such a direction that no part of the easterly side thereof shall be nearer to the easterly side of *Orange Street* than three hundred and fifty feet; and the whole of the said street to be made with a good and substantial stone facing on the side adjoining the harbour, unless it may be judged by the Corporation the same may be dispensed with, in cases where wharves may be projected from the said street seaward.

Proprietors'
meeting to be
called, officers
chosen, and
rules establish-
ed.

SECT. 2. *Be it further enacted*, That the above-named persons, or any three of them, may, by an advertisement in any one or more of the *Boston* newspapers, or by personal notice to each other and their associates, call a meeting of the said Proprietors, at any suitable time and place after seven days from the publication of such advertisement, or giving notice as aforesaid: And the said Proprietors, by vote of the majority of those present or represented at said meeting, (in all cases allowing one vote to each single share,) shall choose a Clerk, who shall be under oath to the faithful discharge of his duty; and shall choose such other officers as they may think necessary for the proper government of said Corporation; and shall have power to agree upon the method of calling future meetings, and establish rules and regulations for the well-ordering the affairs of said Corporation, and for effecting and completing the purposes aforesaid: *Provided* such rules and regulations are not repugnant to the Constitution and laws of the Commonwealth: All representations to be in writing, and signed by the person or persons making the same: *Provided also*, That the number of votes of any one Proprietor shall be regulated by his proportion of interest in the land, over and through which the said street will pass; to say, every twenty feet in length of the said street to entitle the Proprietor or owner of the land over which said street will pass to one vote; but no one Proprietor to have more than twenty votes in any case whatever.

Assessments to
be levied on the
Proprietors.

SECT. 3. *And be it further enacted*, That the said *William Brown*, and others, owners and Proprietors of the lands and flats aforesaid, their heirs and assigns, be, and they are hereby authorized and empowered to raise, by an assessment or tax, to be made and levied upon all the owners and Proprietors of said land and flats, according to the proportion they severally hold therein, such sum or sums of money for making the street aforesaid as shall be agreed upon by the said Proprietors, their
heirs

heirs and assigns, or the major part of such of them as shall be assembled at any legal meeting to be called for that purpose; and if any of said Proprietors shall neglect or refuse to pay the sum or sums of money duly assessed upon him therefor, for the space of three months after said money shall have been voted, or for the space of one month after his assessment shall have been shewn to him, or a copy thereof, attested by the Clerk, left at his last and usual place of abode, then the said Proprietors are hereby authorized from time to time to sell, at public auction, so much of said delinquent's share of said lands and flats as shall be sufficient to pay such sum or sums assessed upon him as aforesaid, and all reasonable charges attending such sale, notice of such sale, and the time and place thereof, being first given in such manner as said Proprietors shall direct: And the said Proprietors may, by their Clerk, or a Committee chosen for that purpose, execute a good deed or deeds of the same, to hold to the purchaser in fee simple: *Provided nevertheless*, That the Proprietor or Proprietors, whose share or part shall be sold as aforesaid, shall have liberty to redeem the same at any time within one year from the time of such sale, by paying the sum such share or part sold for, and the charges thereof, together with interest thereon at the rate of *six per centum per annum*: *And provided also*, That each of the said Proprietors, their heirs and assigns, shall have liberty to build and make, or cause to be built and made, by private contract or otherwise, so much of said street as shall pass over their own lands or estates, permission for such purpose being first obtained from the said Proprietors at a legal meeting; the same to be done to the acceptance and satisfaction of the said Proprietors, and to be approved of and accepted by them, at a Proprietors' meeting legally holden for that purpose.

Land, &c. of delinquents may be sold.

The privilege of redemption allowed.

SECT. 4. *Be it further enacted*, That the said Proprietors be allowed two years from the passing of this Act for the completion of the said street.

Two years allowed for making the street.

SECT. 5. *And be it further enacted*, That in case any Proprietor or owner of the lands aforesaid shall neglect or refuse to be at his reasonable share or proportion of expense, of making and building the said street, it shall then be lawful for the said Corporation to prevent, by fences or in any other peaceable manner, the communication of the land of such owner or Proprietor, so neglecting and refusing as aforesaid, with the said street, on both sides thereof.

The communication of certain land with the street may be stopped in certain case.

SECT. 6. *And be it further enacted*, That nothing in this Act shall extend to entitle the said Proprietors to demand or receive of any person whatever, any compensation or toll for passing the said street: And when it shall appear to the satisfaction

No toll to be demanded for passing the street.

faction of the General Court, that the purposes of this Act of incorporation have been answered and completed, they may dissolve the same.

Town not to
be put to ex-
pense.
SECT. 7. *And be it further enacted*, That the town of *Boston* shall not sustain any expense in making or continuing the present cross streets, leading from *Orange Street* easterly, to and over said new street, unless said town shall hereafter agree to the same.

[This Act passed *March 6, 1804.*]

March 5, 1803.

An ACT in addition to an Act, entitled, "An Act to incorporate *William Phillips, jun.* and others, into a Company, by the Name of *The New-England Marine Insurance Company.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *The New-England Marine Insurance Company* be, and they hereby are authorized to invest *fifty thousand dollars* of their capital stock in real estate; any thing in the Act to which this is an addition to the contrary notwithstanding.

[This Act passed *March 6, 1804.*]

An ACT to preserve and regulate the Fishery in the Towns of *Rehoboth* and *Swansey*, in the County of *Bristol*, and for repealing an Act, entitled, "An Act to prevent the Destruction of the Fish called *Shad* and *Alewives*, in their Passage up the Rivers and Streams in the Town of *Rehoboth*, in the County of *Bristol*," passed *June 27, 1786.*

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this Act there shall not be any seine or drag-net set or drawn at any time in *Palmer's River*, in said *Rehoboth*; and that no seine or drag-net shall be set or drawn in said river, within the said town of *Swansey*, between the first day of *April* and the twentieth day of *June* annually, only on *Monday, Tuesday* and *Wednesday*, between the rising of the sun and the setting of the same on each of said days.

No seine to be
drawn in *Palmer's*
River, drag-net shall
be set or drawn in
said river, within the
said town of *Swansey*,
but as herein
permitted.

SECT. 2. *And be it further enacted*, That if any person or persons shall at any time draw or set any seine or drag-net in said *Palmer's River*, in said town of *Rehoboth*, or shall draw or set

set any seine or drag-net in said river, in said town of *Swan-zev*, between the first day of *April* and the twentieth day of *June* annually, except as abovesaid on Monday, Tuesday and Wednesday, between the rising and setting of the sun on each of said days, he or they so offending shall forfeit and pay a fine of *seven dollars* for each and every offence.

Fine for drawing a seine contrary to this law.

SECT. 3. *And be it further enacted*, That no fish shall be taken in said river, or in any brook or branch of said river, either in the said town of *Rehoboth* or *Swanzy*, with scoop-nets, only on Monday, Tuesday and Wednesday nights, between the setting of the sun and the rising of the same on each day; and that no weirs shall be built in said river, up stream, from the south-west corner of a lot of land on the west side of said river, in said *Rehoboth*, belonging to Capt. *Daniel Davis*, adjoining to Capt. *Samuel Bullock's* land; and that there shall be no driving said river or brooks at any time with poles or otherwise; and that no fish be taken in said *Palmer's River*, within two rods of the bridge over the same near *Phillip Miller's*, nor within five rods of the place where the brook that runs out of the pond near *Richard Perse's* enters said river.

Scoop-nets not to be used but as directed, nor weirs to be built.

SECT. 4. *And be it further enacted*, That no weirs be made in *Runin's River*, in said *Rehoboth*, in any year, until after the first day of *June*; and that no fish be taken in said *Runin's River*, within one rod of any bridge over said river; and that no fish be taken in said *Runin's River*, only on Monday, Tuesday, Wednesday and Thursday nights, between the setting of the sun and the rising of the same on each day; and that no fish be taken in said river, north of the south line of *Joseph West's* land, on said river; and that there be no driving of fish in said river with poles or otherwise.

Fishery in Runin's River.

SECT. 5. *And be it further enacted*, That if any person shall make any weir or take any fish in either of said rivers or brooks, at any other time or in any other place than is allowed by this Act, or shall at any time drive the fish in either of said rivers or brooks, with poles or otherwise, each person so offending shall pay a fine not exceeding *four dollars* nor less than *two dollars* for each offence.

Penalty.

SECT. 6. *And be it further enacted*, That all the penalties incurred by a breach of this Act, may be sued for and recovered before any Justice of the Peace in the county of *Bristol*; and all sums so recovered as forfeited by this Act, shall be appropriated, one moiety thereof to the prosecutor, and the other moiety for the use of the town in which the forfeiture shall happen.

Recovery and appropriation of fines.

SECT. 7. *And be it further enacted*, That the aforesaid Act, entitled, "An Act to prevent the destruction of the fish called *shad*

Former law repealed.

shad and alewives, in their passage-way up the rivers and streams in the town of *Rehoboth*, in the county of *Bristol*," be, and it is hereby repealed.

[This Act passed *March 6, 1804.*]

March 3, 1803.

An ACT in addition to an Act, entitled, "An Act to authorize the Inhabitants of the Second Parish in *Portland* to tax the Pews and Seats in their Meeting-House, and to make valid certain former Proceedings of said Parish, and for other Purposes in said Act mentioned."

Preamble.

WHEREAS the inhabitants of said parish are authorized by an Act, entitled, "An Act to authorize the inhabitants of the second parish in *Portland* to tax the pews and seats in their meeting-house, and to make valid certain former proceedings of said parish, and for other purposes in said Act mentioned," to tax the pews in their meeting-house, but no provision is made for enforcing the payment of said taxes in case of neglect or refusal to pay the same, and the said Act is otherwise found insufficient for the purposes for which the same was intended :

Valuation to be taken to regulate assessments.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That for the due apportioning the taxes hereafter to be assessed on said pews, the inhabitants of said parish, as often as they shall think proper, shall cause a valuation to be taken of the pews aforesaid by a Committee to be chosen for that purpose ; and in case no such Committee shall be chosen, the Assessors of said parish, for the time being, shall, as often as said parish shall vote, take such valuation, in which they shall number, appraise and value the pews in said meeting-house, respectively, according to their situation and rank, and make a list of such valuation, and keep the same in the office of the Assessors, to be delivered to their successors ; and the sums voted from time to time to be laid on the pews aforesaid, shall be assessed and apportioned thereon by the Assessors for the time being according to such valuation, and until a new one shall be voted by said parish to be made.

SECT. 2. *And be it further enacted,* That when the owner or owners, occupant or occupants, of any pew or pews in said meeting-house, shall refuse or neglect to pay the tax or taxes which have been or may hereafter be assessed on his or their respective pew or pews, the Collector or Collectors of any such tax or taxes, to whom the same is committed with a warrant or warrants in the form prescribed in the third section of this Act,

Act, shall have power, and he is hereby fully authorized to demand and receive said taxes on pews of and from the owners or occupants thereof; and if payment thereof is neglected to be made for thirty days after notice and demand given and made by said Collector or Collectors to the owners or occupants, where known, and living in said town, or posted up at the doors of said meeting-house, when unknown, or not living in said town; of all which such Collector's oath shall be admitted as sufficient evidence; such Collector shall have power to sell such pew or pews at public sale in said town to the highest bidder, notice of such intended sale being given four days at least after the expiration of said thirty days and before the time of sale, by posting up written notifications at the door of said meeting-house, of the time and place of sale, and mentioning therein the pew or pews to be sold and their numbers; and the said Collector shall have power, if he sees fit, to adjourn the said sale or vendue from time to time, not exceeding three times, and not beyond thirty days from the day first set for the said sale; and to make and execute a deed or deeds of any such pew or pews sold by him as aforesaid, which deed or deeds, with said notifications, being duly recorded in the Town-Clerk's office, shall vest in the purchaser the former owner's interest or estate in such pew or pews, and in the land under and adjoining the said meeting-house; and if any overplus remain upon such sale, the same shall be immediately paid to the former owner or owners, after the taxes and all legal charges are deducted.

The pews of those who neglect to pay taxes are to be sold
Notice of sale to be given.

SECT. 3. *And be it further enacted*, That the Collector or Collectors of said parish, to whom parish taxes have been or shall hereafter be committed, with a warrant or warrants for collecting the same, in the form prescribed by law for collecting town taxes, *mutatis mutandis*, shall have the same power to collect such parish taxes, on polls and estates, as Collectors of town taxes have by law, and shall observe the same directions in collecting and paying over the same, according to their warrants, which Town-Collectors are holden to observe.

The parish collectors empowered.

[This Act passed *March 7, 1804.*]

An ACT in addition to the several Acts now in force, which respect the transporting, storing, and safe keeping of Gunpowder in the Town of *Boston*.

June 26, 1792.
June 19, 1801.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That all the pecuniary penalties and forfeitures mentioned in an Act, entitled, "An Act in addition to the several

How fines may
be recovered.

several Acts now in force, which respect the carting and transporting gunpowder through the streets of the town of *Boston*, and the storage thereof in the same town," and also all the penalties and forfeitures mentioned in an Act, entitled, "An Act to provide for the storing and safe keeping of gun-powder in the town of *Boston*, and to prevent damage from the same," may be recovered by information or indictment before the Supreme Judicial Court, or the Municipal Court for the town of *Boston*; any law to the contrary notwithstanding.

Judge of the
Municipal
Court empow-
ered.

SECT. 2. *And be it further enacted*, That when any gun-powder shall be seized by any one or more of the Firewards of said town of *Boston*, for a breach of the provisions mentioned in either of the Acts aforesaid, it shall be the duty of such Fireward or Firewards, within twenty days after the seizure, to file a libel in the Clerk's office of the Municipal Court for the town of *Boston*, stating the cause of seizure, and praying for a decree of forfeiture; and the Judge of said Court shall have power to hear and determine the cause, by a Jury where there is a claimant, but without one if, upon proclamation made, no claimant appears, and to decree the forfeiture and disposition of such property according to law; and may decree a sale and distribution of the proceeds, deducting charges; and if such libel be not supported, restitution of the property shall be decreed to the claimants without costs.

[This Act passed March 7, 1804.]

An ACT making further Provision for the Proprietors of the Island of *Nantucket*.

Preamble.

WHEREAS an Act, entitled, "An Act for the better managing lands, wharves, and other real estate, lying in common, passed the tenth day of *March*, in the year of our Lord one thousand seven hundred and eighty four, hath proved insufficient to restrain disorderly and unruly persons from overstocking their lands on the island of *Nantucket*;

Proprietors to
meet annually,
make rules, &c.

SECT. 1. *Therefore be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this Act, the Proprietors of the common and undivided lands on the island of *Nantucket* shall meet together some time in *March*, annually, and from time to time, as they may judge proper, to make such rules and adopt such modes of improvement as they shall think just and equitable; which said rules and regulations shall be determined by a majority of votes; and each Proprietor shall vote according to the quantity of land or rights which he or she shall

shall own therein, which said votes shall be binding on said Proprietors.

SECT. 2. *And be it further enacted*, That if any Proprietor of any general field or pasture on the island of *Nantucket*, which shall be owned by tenants in common, from and after the passing of this Act, shall put or cause to be put therein any horse, cattle, sheep, or other creature, over and above the number allowed him or her, or before the day agreed upon, or keep them longer there than the time set and limited by a major vote of the said Proprietors, he or she shall be deemed a trespasser, and his or her creatures so put in shall be proceeded with by any of the Proprietors as creatures taken damage feasant, to all intents and purposes, as much as if he or she owned no land within such general field or pasture.

— only to use a common pasture according to vote of majority.

SECT. 3. *And be it further enacted*, That whenever horses, cattle, sheep, or other creatures, shall be clandestinely turned into any general field or pasture, on the island of *Nantucket*, or being unruly shall break into the same, and shall be taken and impounded by a Proprietor thereof, and a writ of replevin shall be purchased by the owner of the said horses, cattle, sheep, or other creature so impounded, for the purpose of replevying them, it shall be in the power of the Court or Justice before whom the action shall be brought, to give judgment in favour of the Proprietor of the general field or pasture, upon his producing satisfactory evidence to the said Court or Justice, that the horses, cattle, sheep, or other creatures replevied as aforesaid, were either clandestinely turned into said general field or pasture, or broke into the same in a part thereof where the fence was good and sufficient, according to law, some other parts of the fence of the said general field or pasture being deficient notwithstanding.

The Court or Justice directed in case of cattle found in a common field.

[This Act passed March 7, 1804.]

An ACT to establish the Boundary Line between the First and Third Parishes in the Town of *Brookfield*, in the County of *Worcester*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the dividing line between the said first and third parishes in the town of *Brookfield*, shall hereafter run as follows, viz. Beginning at the south-east corner of *Ralph Richardson's* land, at *Quabsag River*; thence running northerly by said *Richardson's* land to the post road; thence crossing said road, and running northerly, crossing *Phineas Upham's* land, in a straight line, to the south-east corner of land which *Jabez Upham*

Boundary line,

Upham bought of his father *Phineas Upham*; thence by the said *Jabez Upham's* land to his north-east corner, by the road leading from a town road to *Thomas Rainger's* house; thence easterly by said road until it comes opposite to *Cephas Lawrence's* north-east corner; thence northerly by said *Lawrence's* land to the land of *John Allen, jun.*; thence by said *Allen's* east line to the line of the second parish in said *Brookfield*: And that all the lands lying on the easterly side of said line, and the persons living thereon, with their polls and estates, heretofore belonging to the first parish in said *Brookfield*, be, and they hereby are set off from the first and annexed to the third parish in said *Brookfield*.

Certain lands
and persons an-
nexed to the
first parish.

SECT. 2. *And be it further enacted*, That all the lands lying and being in *Brookfield* aforesaid, belonging to *John Allen, Joseph Chadwick, Cyrus Rich, Ezra Rich, Abner Tyler* and his son, *Joseph Dor*, and the farm belonging to the heirs of *James Nickols*, and about ten acres of land belonging to *Daniel Hedges*, adjoining the lands of *John Allen* and *Abner Tyler*, and the persons thereon living, which, previous to the passing of this Act, belonged to the said third parish in said *Brookfield*, be, and hereby are set off from the third and annexed, with their polls and estates, to the first parish in said *Brookfield*: *Provided nevertheless*, That this Act shall not affect the collection of taxes now assessed within the said several parishes; but the same may be demanded and collected, the passing of this Act notwithstanding.

[This Act passed *March 7, 1804.*]

Feb. 13, 1799.

An ACT to repeal Part of an Act, entitled, "An Act to incorporate *Stephen Higginson*, and others, into a Company by the Name of *The Boston Marine Insurance Company*."

Preamble.

WHEREAS in and by the tenth section of the said Act it is enacted, "that no person being either singly or as partner with one or more persons a member of any other Company, carrying on the business of marine insurance, shall be eligible as a Director of the Company by this Act established:" And whereas the said provision is found inexpedient:

Section of for-
mer Act re-
pealed.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the said tenth section be, and the same hereby is repealed.

SECT. 2. *Provided nevertheless, and be it further enacted*, That no person being a Director of any other Company carrying on the business of marine insurance shall be eligible as a Director of the said *Boston Marine Insurance Company*.

[This Act passed *March 7, 1804.*]

An

An ACT to incorporate the Westerly Part of the Plantation heretofore called *Westpond*, and the Gore adjoining, in the County of *Kennebeck*, into a Town by the Name of *Rome*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the westerly part of the plantation heretofore called *Westpond*, and the gore adjoining, in the county of *Kennebeck*, described within the following bounds, with the inhabitants thereon, be, and they are hereby incorporated into a town by the name of *Rome*, viz. Beginning on the north line of *Bellgrade*, at the outlet of the *Great Pond*, so called; thence running north-eastwardly a direct course to that part of the *Great Pond* where the outlet of *North Pond* empties into the *Great Pond*; thence northwardly by said outlet or stream to the *North Pond*; thence northwardly by said *North Pond* to a hemlock tree marked R, and dated 1803; thence due west, three miles one hundred and ninety rods to the east line of *New-Sharon*; thence southwardly by the east lines of *New-Sharon* and *Viana* to the north line of *Mount Vernon*; thence eastwardly by the north lines of *Mount Vernon* and *Bellgrade*, to the first-mentioned bounds: And the said town of *Rome* is hereby vested with all the powers, privileges, rights and immunities with which other towns are vested by the Constitution and laws of this Commonwealth.

Boundaries.

SECT. 2. *Be it further enacted,* That any Justice of the Peace within and for the county of *Kennebeck*, is hereby authorized to issue his warrant, directed to some suitable inhabitant of said *Rome*, requiring him to notify and warn the inhabitants of the said town, qualified by law to vote in town affairs, to meet at such convenient time and place as shall be expressed in said warrant, to choose all such officers as towns within this Commonwealth are by law required to choose in the months of *March* or *April* annually.

First meeting.

[This Act passed March 7, 1804.]

An ACT to repeal a Part of the Act, entitled, “ An Act to empower the Town of *Doston* to choose a Board of Health, and for removing and preventing Nuisances, and for making further Additions thereto.”

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That so much of the fifth section of said Act

as

Part of 5th as prohibits the repacking of salted meat and fish between the
 section of for- fifteenth day of *June* and the first day of *October*, be, and here-
 mer Act re- by is repealed.

pealed.

SECT. 2. *Be it further enacted*, That whenever any person or persons shall hereafter wish to have any salted meat or fish repacked between the fifteenth day of *June* and the first day of *October*, as mentioned in the aforesaid Act, he or they shall make application to the Board of Health; and the said Board of Health shall appoint one or more of their number to go with the Inspector-General of fish or meats, as the case may be, or with one of their deputies, and examine said meats or fish, and if found sweet may suffer the same to be repacked, and not otherwise.

[This Act passed March 7, 1804.]

Feb. 25, 1802.

An ACT in addition to an Act, entitled, "An Act granting a Lottery for the Purpose of rendering the Locks and Canals at *South-Hadley* passable for Boats and Rafts of Timber, without the Aid of a Dam across *Connecticut River*."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That for the purposes in the Act aforesaid mentioned, a further and additional sum of *ten thousand dollars* be raised by lottery; and that *Jonathan Dwight, Joseph Lyman, jun. John Williams, and Samuel Lathrop, Esquires, and John Breck, merchant*, be, and hereby are appointed Managers thereof, who shall have all the rights, and be subject to all the restrictions, limitations and duties, prescribed to the Managers, and mentioned in the Act to which this is an addition: And that this Act continue and be in force for the term of three years, and until the end of the next session of the General Court which shall be then after, and no longer.

[This Act passed March 7, 1804.]

An ACT to establish a Turnpike Corporation by the Name of *The Springfield and Longmeadow Turnpike Corporation*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Nathaniel Ely, Jonathan Dwight, James Dwight, William Ely, Jacob Bliss, Daniel Lombard, William Pynchon, Chauncy Brewer, Eleazer Williams, Thomas Williston, Thomas Bates, Richard Woolworth, Moses Field, jun. Josiah Cooley,*

Names of per-
 sons incorpora-
 ted.

Cooley, Lewis White, Gideon Burt, Elibu Colton, Demas Colton, Nathaniel Burt, Seth Steel, John Cooley, 2d. Calvin Burt, Joshua Frost, John Cooley, Alexander Field, Samuel Colton, Oliver Blanchard, Ethan Ely, Gideon Colton, jun. David Burt, Samuel Keep, Noah Blifs, Samuel Keep, jun. Gaius Blifs, Hezekiah Hale, Israel Colton, William Colton, Hanum Cooley, and Ebenezer Blifs, and all such persons as are or shall be associated with them and their successors, shall be a Corporation, by the name of *The Springfield and Longmeadow Turnpike Corporation*; and shall by that name sue and be sued; and shall have a common seal, and enjoy all the privileges and powers which are by law incident to Corporations, for the purpose of laying out and making turnpike roads, and keeping the same in repair; that is to say, Beginning from the southerly part of the street in *Springfield*, to wit, at the house of Maj. *Jacob Blifs*, thence running the nearest and most convenient route, through the town of *Longmeadow*, to the line of the State of *Connecticut*.

Course of the road.

SECT. 2. And be it further enacted, That the abovementioned persons, or any three of them, may, by an advertisement in both of the newspapers printed at *Springfield*, call a meeting of the said Proprietors, to be holden at any suitable time and place, after fifteen days from the publication of said advertisement; and the said Proprietors, by a vote of the majority of those present or represented at the said meeting, (in all cases counting and allowing one vote to each single share) shall choose a Clerk, who shall be sworn to the faithful discharge of his duty, and who shall agree on a method for calling future meetings; and at the same or any subsequent meetings may make and establish any rules and regulations that shall be necessary and convenient for regulating the said Corporation, for effecting, completing and executing the purposes aforesaid, or for collecting the toll hereafter granted; and the same rules and regulations may cause to be kept and executed, or for the breach thereof may order and enjoin fines and penalties, not exceeding *thirteen dollars* for any breach thereof, *provided* such rules and regulations are not repugnant to the Constitution and laws of the Commonwealth: And the said Proprietors may also choose and appoint any other officer or officers that they may deem necessary; and all representations at any meeting shall be proved in writing, signed by the person making the same, which shall be filed with and recorded by the Clerk; and this Act, and all rules, regulations and votes of said Corporation, shall be fairly and truly recorded by the said Clerk, in a book or books for that purpose to be provided and kept: *Provided also*, That no one Proprietor in this Corporation shall have more than ten votes.

Proprietors' meeting to be called, and rules established.

Accurate records to be kept.

SECT.

Corporation
allowed to hold
land, paying
damages for
such as may be
taken.

SECT. 3. *And be it further enacted*, That said Corporation may purchase and hold land over which they may make said road; and the Justices of the Court of General Sessions of the Peace in the county of *Hampshire*, are hereby authorized, on application from the said Corporation, to lay out said road, or any part thereof, as with the consent of the said Corporation they may think proper: And the said Corporation shall be holden to pay all damages which may happen to any person by taking his land for such road, where it cannot be obtained by voluntary agreement, to be estimated by a Committee appointed by the Court of General Sessions of the Peace for the county of *Hampshire*, saving to either party the right of trial by Jury, according to the law which makes provision for the recovery of damages happening by laying out public highways: *Provided*, That whenever an excess of damages shall be assessed, the expenses shall be paid by said Corporation.

Width of road.

When a gate is
to be erected.

Rates of toll.

SECT. 4. *And be it further enacted*, That the same turnpike road shall be laid out and made by the said Corporation of sufficient width in every part thereof for the accommodation of the public, that is to say, four rods wide through the whole of said road; and the made way or path for travelling shall be of sufficient width, and not less than twenty-four feet wide in any part thereof: And when the said road shall be sufficiently made, from the house of the said *Jacob Bliss*, through the said town of *Longmeadow*, to the line of the State of *Connecticut*, and it shall be allowed by any three men to be appointed by His Excellency the Governor of this Commonwealth, and whom His Excellency is hereby authorized to appoint for that purpose, then the said Corporation shall be authorized to erect one turnpike gate at some convenient place within the said road; and the aforesaid Committee shall be authorized and empowered by the Governor, to determine when it is sufficiently made and where the gate shall be erected: *Provided*, That such gate shall not be erected on any now existing road: And said Corporation shall be entitled to receive at said gate, from each traveller and passenger, the following rate of toll, viz. For every coach, phaeton, chariot, or other four-wheel carriage, drawn by two horses, *twenty-five cents*, and if drawn by more than two horses, an additional sum of *four cents* for each horse; for every cart or waggon, drawn by two oxen or horses, *ten cents*, and if drawn by more than two oxen or horses, the additional sum of *three cents* for each ox or horse; for every curricule, *twelve cents five mills*; for every chaise, chair, or other carriage, drawn by one horse, *twelve cents five mills*; for every man and horse, *five cents*; for every sled or sleigh, drawn by two oxen or horses, *seven cents*, and if drawn by more than two oxen or horses, the additional sum of *two cents* for each ox or horse; for every sled

or sleigh, drawn by one horse, *five cents*; for all horses, mules, oxen or neat cattle, led or driven, besides those in teams and carriages, *one cent* each; for all sheep or swine, at the rate of *three cents* by the dozen, and in the same proportion for a greater or less number: *Provided*, That nothing in this Act shall extend to entitle said Corporation to demand or receive toll of any person who shall be passing with his horse or carriage to or from his usual place of public worship, or with his horse, team or cattle, to or from his common labour on his farm, or to or from any grist-mill, or on the common or ordinary business of family concerns within the same town in which he lives or resides, or from any person passing on military duty: *Provided also*, That not more than half the toll before mentioned, shall be paid for any cart or waggon, the fellyes of the wheels of which shall be not less than six inches broad; and that the General Court may hereafter regulate the toll on carts and waggons, according to the width of the fellyes of the wheels on which they shall run, and the burthens they shall carry.

Proviso
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SECT. 5. *And be it further enacted*, That if the said Corporation, or their toll-gatherers, or others by them employed, shall unreasonably delay or hinder any passenger or traveller at said gate, or shall demand or receive more toll than is by this Act established, the Corporation shall forfeit and pay a sum not exceeding *ten dollars* nor less than *two dollars*, to be recovered before any Justice of the Peace for the county of *Hampshire*, by any person injured, delayed or defrauded, in a special action of the case; the writ in which shall be served on said Corporation, by leaving a copy of the same with the Treasurer, or some individual member of said Corporation living in said county, or by reading the same to said Treasurer or individual member, at least seven days before the day of trial; and the Treasurer or any individual member of said Corporation shall be allowed to defend the same suit in behalf of said Corporation: And the said Corporation shall be liable to pay all damages that shall happen to any person from whom the toll is demandable, for any damage that may arise from the defect of bridges, or want of repairing said ways; and shall also be liable to presentment by the Grand Jury for not keeping the same in good repair.

Penalty for de-
laying travel-
lers, or exact-
ing illegal toll.

SECT. 6. *Be it further enacted*, That if any person shall cut, break down, or otherwise destroy said gate, or shall dig up or carry away any earth from said road, or in any manner damage the same, or shall forcibly pass, or attempt to pass by force said gate, without having first paid the legal toll at said gate, such person shall forfeit and pay a fine not exceeding *fifty dollars* and not less than *ten dollars*, to be recovered by the Treasurer of said Corporation to their use, in an action of trespass: And if any person with a team, cattle, or horses, turn out of said road

Penalty
for
injur-
ing gate
or road.

to

to pass the gate aforesaid, and again enter said road, with an intent to avoid the payment of the toll established as aforesaid, such person shall forfeit and pay *two dollars*, to be recovered by the Treasurer aforesaid, to the use aforesaid, in an action of debt.

SECT. 7. *And be it further enacted*, That the shares in said road shall be deemed personal estate to all intents and purposes, and shall be transferable by deed, duly acknowledged before any Justice of Peace, and recorded by the Clerk of the said Corporation in a book to be kept for that purpose: And when any such share shall be attached on *mesne process*, or taken in execution, an attested copy of such writ of attachment or execution shall, at the time of the attachment or taking in execution, be left with the Clerk of said Corporation, otherwise the attachment or taking in execution shall be void; and such share may be taken and sold by execution in the same manner as other personal estate; and the officer leaving a copy of such execution, with the return thereon, with the Clerk, within fourteen days after such sale, and paying for the recording thereof, shall be deemed a sufficient transfer of the same.

SECT. 8. *And be it further enacted*, That the said Corporation shall, within six months after said turnpike road shall have been completed, lodge in the Secretary's office an account of all the expenses of said road; and the said Corporation shall annually exhibit to the Governor and Council, a true account of the income or dividend arising from said toll, with the necessary annual disbursements on said road; and the books of the said Corporation shall at all times be subject to the inspection of a Committee to be appointed by the General Court, or to the inspection of the Governor and Council when called for.

SECT. 9. *And be it further enacted*, That whenever any Proprietor shall neglect or refuse to pay any tax or assessment, duly voted and agreed upon by the said Corporation, to their Treasurer, within thirty days after the time set for the payment thereof, the Treasurer of said Corporation is hereby authorized to sell at public vendue, the share or shares of such delinquent

Proprietor, one or more, as shall be sufficient to defray said taxes and necessary incidental charges, after duly notifying in one or more public newspapers printed in the county of *Hampshire*, and the newspaper printed in *Hoston* by the printers of the General Court, the sum due on such shares, and the time and place of sale, at least thirty days previous to the time of sale; and such sale shall be a sufficient transfer of such share or shares so sold, to the person purchasing the same; and on producing a certificate from the Treasurer to the Clerk of said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the books of the said Corporation.

Shares to be considered personal estate; mode of transfer & attachment prescribed.

Statement of receipts & expenses to be exhibited.

Shares of delinquents may be sold.

Corporation, and such person shall be considered to all intents the Proprietor thereof; and the overplus, if any there be, shall be paid on demand, by the Treasurer, to the persons whose shares were then sold.

SECT. 10. *And be it further enacted*, That the General Court may dissolve the said Corporation, whenever it shall appear to their satisfaction, that the said income arising from said toll shall have fully compensated the said Corporation for all monies they may have expended in purchasing, making, repairing and taking care of said road, together with an interest thereon at the rate of *twelve dollars* on the *hundred* for a year; and thereupon the interest on the said turnpike road shall vest in the Commonwealth: *Provided*, That if the said Corporation shall neglect to complete said turnpike road, for the space of three years from the passing of this Act, the same shall be void and of no effect.

Corporation may be dissolved when the members are indemnified.

SECT. 11. *And be it further enacted*, That the said Corporation be, and it is hereby empowered to commute the rate of toll with any person, or with the inhabitants of any town through which said turnpike road is made, by taking of him or them any certain sum annually, or for a less time, to be mutually agreed on in lieu of the toll established in and by this Act.

Toll may be commuted.

SECT. 12. *And be it further enacted*, That the said Corporation is hereby empowered to grant monies to such persons as shall render services to the Proprietors in exploring the route, and in laying out said turnpike road: And the said Corporation is hereby authorized, if need be, to purchase and hold other real estate, adjacent to, and for the accommodation of said road, to any amount not exceeding *three thousand dollars*.

Money may be granted to certain persons.

[This Act passed March 7, 1804.]

An ACT to incorporate *Barnard's Township Number One and Mile-and-an-half-Strip*, on the eastern Side of *Kennebec River*, in the County of *Kennebec*, into a Town by the Name of *Madison*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the township called *Barnard's Township*, numbered *One*, and *Mile-and-an-half-Strip*, on the eastern side of *Kennebec River*, in the county of *Kennebec*, as described within the following bounds, with the inhabitants thereon, be, and they are hereby incorporated into a town by the name of *Madison*: Beginning at the north-west corner of *Cornville*; thence running west about five miles and an half to *Kennebec River*; thence down said river by the channel thereof to the north-west corner of *Norridgewok*; thence east on the north line

Boundaries.

line of *Norridgewok* and *Canaan*, so far as to intersect a line running south from the south-west corner of *Cornville*; thence north to the south-west corner of said *Cornville*, and continue north on the west line of *Cornville* to the first-mentioned bounds: And the said town of *Madison* is hereby vested with all the powers, privileges, rights, and immunities with which other towns are vested by the Constitution and laws of this Commonwealth.

First meeting.

SECT. 2. *And be it further enacted*, That any Justice of the Peace within and for the county of *Kennebec*, is hereby authorized to issue his warrant, directed to some suitable inhabitant of said *Madison*, requiring him to notify and warn the inhabitants of the said town, qualified by law to vote in town affairs, to meet at such convenient time and place as shall be expressed in said warrant, to choose all such officers as towns within this Commonwealth are by law required to choose in the months of *March* or *April* annually.

[This Act passed March 7, 1804.]

An ACT to incorporate the Township Number Two, in the Second Range of Townships north of the *Plymouth Claim*, commonly called *Kinsmantown*, on the eastern Side of *Kennebec River*, in the County of *Kennebec*, into a Town by the Name of *Athens*.

Boundaries.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the township Number Two in the second range of townships north of the *Plymouth Claim*, and commonly called *Kinsmantown*, on the eastern side of the *Kennebec River*, in the county of *Kennebec*, as described within the following bounds, with the inhabitants thereon, be, and they are hereby incorporated into a town by the name of *Athens*, viz. Bounded east by the town of *Harmony*, south by the town of *Cornville* and *Number Three*, west by *Spauldingtown* or *Number One*, and north by the million acres owned by *William Bingham, Esq.*: And the said town of *Athens* is hereby vested with all the powers, privileges, rights, and immunities with which other towns are vested by the Constitution and laws of this Commonwealth.

First meeting.

SECT. 2. *Be it further enacted*, That any Justice of the Peace in the county of *Kennebec*, be, and he is hereby authorized to issue his warrant, directed to some suitable inhabitant of said town of *Athens*, requiring him to notify and warn the inhabitants of the said town, qualified by law to vote in town affairs, to meet at such convenient time and place as shall be expressed

expressed in said warrant, to choose all such officers as towns within this Commonwealth are by law required to choose in the months of *March* or *April* annually.

[This Act passed *March 7, 1804.*]

An ACT to establish *The Bluehill Turnpike Corporation.*

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Samuel Bass, Ephraim Wales, Jonathan Strong, and all such persons as are or may hereafter be associated with them, and their successors, be, and they are hereby constituted a Corporation by the name of The Bluehill Turnpike Corporation, for the purpose of laying out, making and keeping in repair a turnpike road, from Randolph meeting-house, in the county of Norfolk, through Scotch Woods, or the Bluehills, so called, in the most direct and convenient route, to Joseph Babcock's, in Milton, in the county aforesaid; which road shall not be less than four rods wide, and the path of travel not less than twenty feet wide in any one place: And when said turnpike road shall be approved and so certified by the Court of General Sessions of the Peace for the county of Norfolk, or by a Committee appointed by the said Court for that purpose, to be sufficiently made, the said Corporation shall be authorized to erect one turnpike gate on said road, near the dwelling-house of Joseph Hunt, in said Randolph; and shall be entitled to receive from passengers, the following rates of toll, viz. For each coach, chariot, phaeton, or other four-wheel carriage, drawn by two horses, twenty-five cents, and if drawn by more than two horses, an additional sum of four cents for each horse; for every curricule, twenty cents; for every chaise, chair or other carriage, for the conveyance of persons, drawn by one horse, twelve cents and five mills; for every cart or waggon, drawn by two oxen or horses, ten cents, and if drawn by more than two oxen or horses, an additional sum of two cents and five mills for each ox or horse; for every horse-cart or waggon, drawn by one horse, eight cents; for every sled, drawn by two oxen or horses, eight cents, if drawn by more than two oxen or horses, an additional sum of two cents for each ox or horse; for every sleigh, drawn by two horses, twelve cents and five mills; for every sleigh or sled, drawn by one horse, six cents; for all horses, oxen, mules or neat cattle, led or driven, besides those in teams and carriages, one cent each; for all sheep or swine, at the rate of three cents per dozen: Provided however, That the said Corporation may, if they see fit, commute the rate of toll with any person, or with the*

Course of the road.

Rates of toll.

Toll may be commuted.

the inhabitants of any town, by taking of him or them a certain sum annually, to be mutually agreed upon in lieu of the toll aforesaid: *And provided also*, That no toll shall be taken of any person passing said road when on military duty, or to or from public worship, to or from any mill, or about his common and ordinary business within the town wherein he resides: *Provided*

Proviso re-
speaking fellies.

nevertheless, That not more than half the toll before mentioned shall be paid for any cart or waggon, the fellies of the wheels of which shall be not less than six inches broad; and that the General Court may hereafter regulate the toll on carts and waggons, according to the width of the fellies of the wheels on which they shall run, and the burthens they shall carry: And the said Corporation shall, at the place where the toll shall be collected, erect and keep constantly in public view, a sign or board, with the rates of toll of all the tollable articles fairly and legibly written in large or capital characters.

Corporation
allowed to hold
land, paying
damages for
such as may be
taken.

SECT. 2. *And be it further enacted*, That the said Corporation may purchase and hold lands over which they may make said road; and the Justices of the Court of General Sessions of the Peace for the county of *Norfolk*, are hereby authorized, on application of said Corporation, to lay out said road, or any part thereof, as with the consent of said Corporation they may think proper: And the said Corporation shall be liable to pay all damages which may arise to any person by taking his land for said road, when the same cannot be obtained by voluntary agreement, to be estimated by a Committee of the Court of General Sessions of the Peace in the county of *Norfolk*, saving to either party the right of trial by Jury, according to the law which makes provision for the recovery of damages arising from laying out highways: *Provided*, That whenever an excess of damages shall be assessed, the expenses shall be paid by said Corporation.

Penalty for de-
laying travel-
lers or exact-
ing illegal toll.

SECT. 3. *And be it further enacted*, That if said Corporation, their toll-gatherer, or others in their employ, shall unreasonably delay or hinder any passenger or traveller at said gate, or shall demand or receive more toll than is by this Act established, the Corporation shall forfeit and pay a sum not exceeding *ten dollars* nor less than *one dollar*, to be recovered before any Justice of the Peace in the county of *Norfolk*, by any person injured, delayed or defrauded, in a special action on the case; the writ in which shall be served on said Corporation, by leaving a copy of the same with their Treasurer, or with some individual member of said Corporation, living within the county aforesaid, or by reading the contents thereof to the said Treasurer or individual member, who shall be allowed to defend the same suit in behalf of said Corporation: And the said Corporation shall be liable to pay all damages which shall happen to any person from whom toll by this Act is demandable, for any injury which shall arise from defect

defect of bridges or want of repairs within the same way; and shall also be liable to a fine, on presentment of the Grand Jury, for not keeping the same or the bridges thereon in good repair.

SECT. 4. *And be it further enacted*, That if any person shall cut, break down, or otherwise injure or destroy the said turnpike gate, or shall forcibly pass, or attempt to pass by force, without first paying the legal toll at such gate, such person shall forfeit and pay a fine not exceeding *fifty dollars* nor less than *five dollars*, to be recovered by the Treasurer of said Corporation to their use, in an action of trespass: And if any person shall, with his team, cattle, carriage or horse, turn out of said road to pass the said turnpike gate, on ground adjacent thereto, and again enter on said road, with intent to avoid the toll due by virtue of this Act, such person shall forfeit *two dollars*, to be recovered by the Treasurer of the said Corporation, to the use thereof, in an action of debt.

Penalty for
injuring gate
or road.

SECT. 5. *And be it further enacted*, That the shares in the same turnpike road shall be taken, deemed and considered to be personal estate to all intents and purposes, and shall and may be transferable; and the mode of transferring said shares shall be by deed, acknowledged before any Justice of the Peace, and recorded by the Clerk of the said Corporation, in a book to be kept for that purpose: And when any of said shares shall be attached on *mesne process*, or taken in execution, an attested copy of such writ of attachment or execution shall be left with the Clerk of the said Corporation, otherwise such attachment or taking in execution shall be void; and such shares may be sold on execution in the same manner as is or may by law be provided for the sale of personal property by execution; and the officer making the sale, or the judgment creditor, shall leave a copy of the execution, and the officer's return on the same, with the Clerk of the said Corporation, within ten days after such sale, and paying for the recording the same.

Shares to be
considered per-
sonal estate;
mode of trans-
fer & attach-
ment prescrib-
ed.

SECT. 6. *And be it further enacted*, That a meeting of said Corporation shall be held at the house of *Jonathan Spear*, innholder in the town of *Randolph* aforesaid, on the second Monday in *March* next, for the purpose of choosing a Clerk, and such other officers as may then and there be agreed upon by the said Corporation, for regulating the concerns thereof, (in all cases counting and allowing one vote to each single share;) and that said Corporation may then and there agree upon such method of calling future meetings as they may think proper; and all representations at any meeting shall be proved in writing, signed by the person making the same, which shall be filed with and recorded by the Clerk; and this Act, and all rules, regulations and votes of the said Corporation shall be fairly and truly recorded by the said Clerk, in a book or books to be provided

First meeting.

vided and kept: *Provided*, That no one Proprietor in this Corporation shall have more than ten votes.

Statement of
receipts & ex-
penses to be
exhibited.

SECT. 7. *And be it further enacted*, That said Corporation, within six months after the said road is completed, shall lodge in the Secretary's office an account of the expenses thereof; and shall annually exhibit to the Governor and Council a true account of the dividends or income arising from the said toll, with their necessary annual disbursements on the said road; and the books of the said Corporation shall at all times be subject to the inspection of a Committee to be appointed by the General Court, or to the inspection of the Governor and Council when called for.

Shares of de-
linquents may
be sold.

SECT. 8. *And be it further enacted*, That whenever any Proprietor shall neglect or refuse to pay any tax or assessment duly voted and agreed upon by said Corporation, to their Treasurer, within thirty days after the time set for the payment thereof, the Treasurer of said Corporation is hereby authorized to sell at public vendue the share or shares of such delinquent Proprietor, one or more, as shall be sufficient to defray said taxes and necessary incidental charges, after duly notifying in some newspaper printed in *Boston*, the sum due on any such shares, and the time and place of sale, at least twenty days previous to the time of sale; and such sale shall be a sufficient transfer of the share or shares thus sold to the person purchasing; and on producing a certificate of such sale, from the Treasurer to the Clerk of said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the book of the said Corporation; and such person shall be considered to all intents and purposes the Proprietor thereof; and the overplus, if any there be, shall be paid on demand by the Treasurer, to the person whose shares were thus sold.

Corporation
may be dis-
solved when
the members
are indemnified.

SECT. 9. *And be it further enacted*, That the General Court may dissolve the said Corporation, whenever it shall appear to their satisfaction that the income arising from said toll shall have fully compensated the said Corporation for all monies they may have expended in purchasing, making, repairing and taking care of said road, together with an interest thereon at the rate of *twelve per centum* by the year; and thereupon the property of the said road shall be vested in this Commonwealth, and be at their disposal: *Provided*, That if the said Corporation shall neglect to complete the said turnpike road, for the space of three years from the passing of this Act, the same shall become void and of no effect.

Money may be
granted to cer-
tain persons.

SECT. 10. *And be it further enacted*, That the said Corporation is hereby allowed to grant monies to such persons as rendered services to the Proprietors in exploring the route of the turnpike road, or otherwise, previous to this Act of incorporation.

[This Act passed March 7, 1804.]

An ACT to incorporate *The Merrimack Humane Society.*

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *Micajah Sawyer, M. D. Dudley A. Tyng and Ebenezer Stocker, Esqrs. Dr. Nathaniel Bradstreet, William Woart, Rev. Thomas Cury, Rev. Samuel Spring, Rev. John Andrews, Rev. Daniel Dana, and Rev. Isaac Smith, William Combs and Nicholas Johnson, Esqrs. Dr. Nathaniel Saltonstall, Dr. Samuel Nye, and Rev. Joseph Dana, D. D. with their associates, and such others as shall hereafter become members thereof,* be, and they hereby are incorporated and made a Body Politic and Corporate by the name of *The Merrimack Humane Society.* Names of persons incorporated.

SECT. 2. *Be it further enacted,* That the said Society may have and use a common seal, and the same may break, alter and renew at pleasure; shall be capable of suing or being sued in any actions real, personal or mixed, in any court proper to try the same; shall or may take and hold in fee simple or otherwise, by gift, grant or devise, any estate, real or personal, the aggregate annual income whereof shall not exceed *one thousand dollars,* and may sell and dispose thereof at pleasure, not using the same in trade or commerce; may make and execute any by-laws and rules for the government of the Society which they may think expedient, not repugnant to the laws of this Commonwealth, and may at their discretion annex penal tie for the breach thereof, not exceeding *ten dollars;* and may appoint such officers and invest them with such powers and duties as they shall think fit. Corporation allowed to hold estate, make by-laws, &c.

SECT. 3. *And be it further enacted,* That the end and design of the institution of the said Society is for the recovery of persons who meet with such accidents as produce in them the appearance of death, and for promoting the cause of humanity by pursuing such means, from time to time, as shall have for their object the preservation of human life, and the alleviation of its miseries. Objects of the Society.

SECT. 4. *And be it further enacted,* That *Micajah Sawyer, Esq.* be, and he hereby is authorized to appoint the time and place for holding the first meeting of said Society, and to notify the members thereof by advertising the same in the newspapers printed in *Newburyport and Haverhill.* First meeting.

[This Act passed *March 7, 1804.*]

An

March 3, 1802. An ACT in addition to "An Act to regulate the Alewife Fishery in the Towns of Lynn, Lynnfield and Reading, in the Counties of Essex and Middlesex, and for repealing all Laws heretofore made for that Purpose."

When the passage ways &c. are to be opened.
 SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Committees chosen and appointed as required by the fourth section of the Act to which this is an addition, shall cause the natural course of the rivers, passage-ways or streams through which the fish mentioned in said Act shall or may pass, to be opened in each year on the tenth day of April.

When the fish may be taken.
 SECT. 2. *Be it further enacted,* That no person or persons authorized by the Act to which this is an addition, to take fish in any river, stream or passage-way, as in said Act is mentioned, shall take any fish as aforesaid, except on Mondays, Tuesdays and Wednesdays, in each week; any thing in the said Act to the contrary notwithstanding.

Penalty for extending a weir, &c. across the river.
 SECT. 3. *Be it further enacted.* That if any person or persons shall extend any weir or other obstruction across said river, stream or passage-way, or shall extend, fasten and confine any seine across the same, the person or persons so offending shall be subject and liable to, and shall forfeit and pay such sum as is provided in the second section of the Act to which this is in addition, to be recovered and appropriated as in said Act is described.

[This Act passed March 8, 1804.]

An ACT to change the Names of George Parker, Nathaniel Appleton, Charles Appleton, Henry Atwater, Nathaniel Sherman, John Andrews, and John Appleton.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That George Parker, of Dunstable, in the county of Middlesex, a minor, son of Levi Parker, of Peterborough, in the State of New-Hampshire, be, and hereby is allowed to take the name of George Wright: That Nathaniel Appleton, son of Nathaniel Walker Appleton, late of Boston, physician, deceased, be allowed to take the name of Nathaniel Walker Appleton: That Charles Appleton, son of the said Nathaniel Walker Appleton, be allowed to take the name of Charles Henderson Appleton: That Henry Atwater,

Atwater, son of *Russell Atwater*, of *Blandford*, in the county of *Hampshire*, be allowed to take the name of *Jedediah Smith Atwater*: That *Nathaniel Sherman*, son of *Isaac Sherman*, of *New-Bedford*, be allowed to take the name of *Nathaniel Church Sherman*: That *John Andrews*, of *Boston*, son of *Benjamin Andrews*, late of *Boston*, deceased, be allowed to take the name of *John Hichborn Andrews*: That *John Appleton*, jun. son of *John Appleton*, of *Salem*, be allowed to take the name of *John Sparhawk Appleton*: And each of the persons before named shall in future be respectively known and called by the names which they are severally allowed to take as aforesaid, and the same shall be considered as their only proper names to all intents and purposes.

[This Act passed March 8, 1804.]

An ACT in addition to, and repealing the Fourth Section of an Act, entitled, "An Act for providing a Passage for Fish from *Mythic River* to *Ell Pond*, in the Town of *Malden*." March 7, 1809.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That it shall not be lawful to take shad or alewives in *Ell Pond*, in the town of *Malden*, or in any part of the stream running therefrom into *Mythic River*; and any person offending herein shall, for each offence, forfeit and pay a sum not more than *twenty dollars*, nor less than *five dollars*, to be recovered by an action of debt before any Court proper to try the same, one half to the use of the town of *Malden*, the other half to the use of him or them who may sue therefor.

Fish not to be taken in *Ell Pond*, &c.

SECT. 2. *And be it further enacted*, That *Samuel Tufts*, mentioned in the Act to which this is in addition, or any other person, from the fifteenth day of *April* to the fifteenth day of *May* annually, shall not draw off the water from the said stream so as to reduce the same below the passage-way mentioned in said Act, unless by license from the Fish Committee appointed by said town of *Malden*; and if by virtue of such license the said *Samuel Tufts*, or any other person, shall reduce the water below the said passage-way, the person who shall so reduce the water shall be held to make and keep open some other passage-way for said fish, to the acceptance of the Committee aforesaid; and if there shall be at any time more than one mill on the said stream, the owner's thereof shall be held to make and keep open during the term aforesaid, a passage-way by each mill, and the Committee shall have power to determine the sufficiency of such passage-way, and also to regulate

The water not to be drawn from the stream.

late the time of grinding for each mill, so that the time allowed to all the mills may be equal to thirty days grinding of one mill from the fifteenth day of *April* to the fifteenth day of *May* annually; and any person offending against either of the provisions of this section shall forfeit and pay not more than *twenty dollars*, nor less than *ten dollars*, to be recovered by an action of debt before any Court proper to try the same, one half to the use of the town of *Malden*, the other half to the use of him or them who may sue therefor.

Part of former
Act repealed.

SECT. 3. *And be it further enacted*, That the fourth section of the Act to which this is an addition be, and the same hereby is repealed; and this Act is to continue and be in force until the expiration of the said Act, and no longer.

[This Act passed *March 9, 1804.*]

An ACT to incorporate a Number of the Inhabitants of the Town of *Charlton*, into a separate Religious Society, by the Name of *The First Baptist Society in said Charlton*.

Names of persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Benjamin Rich, Robert Fits, Roger Bartlett, Asa Bacon, John Warren, Uriah Converse, Eli Jones, Lemuel Green, Daniel E. Adams, Ebenezer White, Jacob Manning, Abijah Lamb, Ebenezer Lomb, Benjamin Wheelock, Phillip Clemens, Aaron Hammond, Daniel Streeter, Daniel Bacon, Samuel Robinson, Luke Converse, Adam Wheelock, Dr. Job Brackee, John Groton, Amos Wheelock, James Melendy, David Bates, Daniel Bacon, jun. Amos Putnam, Robert McIntire, Robert McIntire, jun. Sarah McIntire, and Asa Clemens*, with their families and estates, together with such others as may hereafter associate with them and their successors, be, and they hereby are incorporated into a distinct religious Society, by the name of *The First Baptist Society in Charlton*, with all the powers and privileges, rights and immunities to which other parishes are entitled by the Constitution and laws of this Commonwealth.

How to leave
this society.

SECT. 2. *Be it further enacted*, That any person belonging to the said Society, who may at any time hereafter see cause to leave said Society, and shall desire to join with any other religious Society in the said town, and shall give in his or her name to the Clerk of each of said religious Societies, that he or she has united with, and actually become a member of such other religious Society, twenty days at least previous to the annual meeting of each of said Societies in the months of *March* or *April*, and shall pay his or her proportion of all monies granted in the said Society previous thereto, such person

son shall thereafter, with his or her polls and estates, be considered as a member of the Society with which he or she has so united.

And whereas the persons incorporated by this Act into a religious Society, are owners, in their private capacity, of part of a meeting-house in the north part of *Charlton*, in company with sundry other individuals of different religious denominations :

Meeting-house
in north part
of Charlton.

SECT. 3. *Therefore be it further enacted*, That this Act is not intended, nor shall be construed to give any new powers to the Baptist Proprietors of said house, in regard to the use or improvement of the same.

SECT. 4. *Be it further enacted*, That the Hon. *Salem Town*, Esq. be, and is hereby authorized to call the first meeting of said Society.

First meeting.

[This Act passed March 9, 1804.]

An ACT to incorporate the Plantation heretofore called *Freetown*, in the County of *Kennebec*, into a Town by the Name of *Fairfax*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the plantation heretofore called *Freetown*, in the county of *Kennebec*, described within the following bounds, with the inhabitants thereon, be, and they are hereby incorporated into a town by the name of *Fairfax*, viz. Beginning at the south-east corner of the town of *Winslow*; thence running east-south-east, six miles; thence north-north-east, six miles; thence west-north-west, four miles; thence south-south-west, two hundred and fifteen rods, to the south-east corner of the town of *Clinton*; thence west-north-west two miles, to the north-east corner of *Winslow*; thence south-south-west on the east line of said *Winslow*, to the first mentioned bounds, with the inhabitants thereon, be, and the same are hereby incorporated into a town by the name of *Fairfax*, and the said town of *Fairfax* is hereby vested with all the powers, privileges and immunities to which other towns are entitled by the Constitution and laws of this Commonwealth.

Boundaries.

SECT. 2. *And be it further enacted*, That any Justice of the Peace within and for the county of *Kennebec*, be, and hereby is empowered and required to issue his warrant, directed to some principal inhabitant of said town of *Fairfax*, requiring him to notify and warn the inhabitants of the said town, qualified to vote in town affairs, to meet and assemble at such time and place

First meeting.

place in said town as shall be expressed in said warrant, to choose all such officers as towns within this Commonwealth are by law authorized and required to choose in the months of *March* or *April* annually.

[This Act passed *March 9, 1804.*]

March 8, 1802. An ACT in further addition to an Act, entitled, "An Act establishing *The Norfolk and Bristol Turnpike Corporation.*"

Preamble.

WHEREAS it hath been represented by the said *Norfolk* and *Bristol* Turnpike Corporation, that for the more convenient and equitable collection of their toll, on that part of the said turnpike road which leads from the court-house in *Dedham*, to the brick school-house in *Roxbury*, it would be expedient to divide the rates of toll, and to erect two turnpike gates instead of the one now established by law: Therefore,

New gates allowed.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said *Norfolk* and *Bristol* Turnpike Corporation be, and hereby is authorized and empowered, in lieu of the one

Toll established.

gate now established by law, to erect one gate on the said turnpike road, between the new bridge over the *Mill Creek*, so called, in *Dedham*, and the house of *Capt. Isaiah Dunster*, in *Roxbury*, and one other gate on said road, between the house of said *Dunster* and the house of *William McCarty*, in said *Roxbury*; and when the same are erected, shall be entitled to demand and receive, at each of the said two gates, in lieu of the toll established by law at the one gate now erected, the following rates of toll, viz. For every coach, phaeton, chariot, or other four-wheel carriage, drawn by two horses, *twelve cents and an half*, and if drawn by more than two horses, an additional sum of *two cents* for each horse; for every curricule, *nine cents*; for every cart, waggon, sled or sleigh, drawn by two oxen or horses, *five cents*, and if drawn by more than two, an additional sum of *two cents* for each ox or horse; for every chaise, chair or other carriage, drawn by one horse, *six cents and one fourth of a cent*; for every waggon, cart, sled or sleigh, drawn by one horse or ox, *three cents*; for every man and horse, *two cents*; for all oxen, horses, mules or neat cattle, led or driver, besides those in teams and carriages, *one half cent* each; for all sheep and swine, *one cent* by the dozen, and in that proportion for a greater or less number.

And to the end that the said Corporation may not be defrauded of the legal toll as aforesaid:

SECT. 2. *Be it further enacted,* That any person travelling on any part of the said turnpike road, between the house of *Capt.*

Capt. *Isaiah Dunster*, in *Roxbury*, and the more easterly of the two lanes that cross the said turnpike road near the house of *Thomas Weld*, in said *Roxbury*, except such persons as are exempted from paying toll by the Act to which this is in further addition; also all persons travelling to or from *Dorchester* and *Roxbury*, on the road commonly known by the name of the *Walk-Hill* or *Canterbury Road*, and not passing either of said gates, and turning off from the said turnpike road, so as to avoid passing the next gate and paying toll thereat, shall, with his carriage, sleigh, team, horses and cattle, be liable to pay the same toll as if he actually passed such gate.

Certain travellers liable to toll although they should not pass a particular gate.

SECT. 3 *And be it further enacted*, That the said *Norfolk* and *Bristol* Turnpike Corporation be, and hereby is authorized and empowered to purchase and hold real, or any other estate, to an amount not exceeding the sum of *thirty thousand dollars*.
[This Act passed *March 9, 1804.*]

Real estate.

An ACT to establish a Corporation by the Name of *The Wiscasset and Dresden Turnpike Corporation.*

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Jeremiah Bailey, Jonathan Bowman, jun. William Bowman, Alden Bradford, Moses Carlton, jun. Joseph Christophers, James Dumaresque, Robert Elwell, Henry Hodge, James Hodge, Joshua Hilton, James Kennedy, Thomas M'Crate, John Merrill, jun. Samuel Miller, William Nickels, Jonathan R. Parker, James H. Patterson, William Pike, Silas Pison, William Pitt, Wyman Bradbury Sevey, Joshua Silvestler, Manasseh Smith, Seth Tinkham, Abiel Wood, Joseph T. Wood, and Abiel Wood, jun.* together with such others as may hereafter associate with them, and their successors and assigns, shall be a Corporation, by the name of *The Wiscasset and Dresden Turnpike Corporation*; and shall have all the powers and privileges which are usually given to similar Corporations for laying out and making turnpike roads, and keeping the same in good repair, for the purpose of laying out and making a turnpike road, from the court-house in *Wiscasset*, to the lower bridge over *Eastern River*, so called; in *Dresden*, commonly called *Bowman's Bridge*, upon as straight a line as circumstances will admit: And the said turnpike road shall not be less than four rods wide, and the part to be travelled on not less than twenty-four feet wide in any part thereof: And when the said road shall be sufficiently made, and shall be so allowed and approved by a Committee appointed by the Court of General Sessions of the Peace for the county of *Lincoln*, (*provided*, that no member of said Committee shall have

Names of persons incorporated.

Width of road.

When a gate is to be erected.

any

any share or interest in the said turnpike,) then the said Corporation shall be authorized to erect one turnpike gate on the said road, in such manner and place as the said Corporation may judge necessary and convenient for collecting the toll: *Provided*, That said turnpike gate be not erected on any road heretofore travelled.

Corporation
allowed to hold
land, paying
damages for
such as may be
taken.

SECT. 2. *And be it further enacted*, That the said Corporation may purchase and hold land over which they may make the said road; and the Justices of the Court of General Sessions of the Peace in the county of *Lincoln*, are hereby authorized, on the application of the said Corporation, to lay out the said road, or any part thereof, as they, with the consent of the said Corporation, shall think proper: And the said Corporation shall be liable to pay all damages which may arise to any person by taking his land for such road, where the same cannot be obtained by voluntary agreement, to be estimated by a Committee appointed by the Court of General Sessions of the Peace for the said county of *Lincoln*, saving to either party the right of trial by Jury, according to the law which makes provision for the recovery of damages arising from the laying out of highways; and if said Jury shall increase the damages estimated by such Committee, the said Corporation shall be holden to pay the costs of such trial by Jury.

Rates of toll.

SECT. 3. *And be it further enacted*, That it shall be lawful for the said Corporation to demand and receive of each traveller or passenger the following rates of toll, viz. For every coach, chariot, phaeton, or other four-wheel carriage, drawn by two horses, *twenty-five cents*, and if drawn by more than two horses, an additional sum of *four cents* for each horse; for every cart or waggon, drawn by two oxen or horses, *ten cents*, and if drawn by more than two oxen or horses, an additional sum of *three cents* for each ox or horse; for every curricule, *fifteen cents*; for every chaise, chair or other carriage, drawn by one horse, *twelve and a half cents*; for every man and horse, *six cents and a quarter*; for every sled or sleigh, drawn by two oxen or horses, *eight cents*, and if drawn by more than two oxen or horses, an additional sum of *two cents* for each ox or horse; for every sled or sleigh, drawn by one horse, *six cents and a quarter*; for all horses, mules, oxen or neat cattle, led or driven, beside those in teams or carriages, *one cent* each; and for all sheep and swine, at the rate of *three cents* by the dozen, and in that proportion for a greater or lesser number: *Provided however*, That the said Corporation may, if they see cause, commute the rate of toll with any person or persons, or with any Corporation, by taking of him or them a certain sum annually, to be mutually agreed on in lieu of the toll aforesaid: And the said Corporation shall, at each place where the toll shall be collected, erect

in

in some conspicuous place, and constantly keep exposed to open view, a sign-board, with the rates of toll of all the tollable articles fairly and legibly written thereon in large or capital characters: *Provided also*, That not more than half the rate of toll aforesaid, shall be demanded for carts and waggons, the fellies of which shall not be less than six inches in width; and the General Court shall have the right otherwise to regulate the tolls on carts and waggons, according to the width of the fellies of the wheels on which they shall run, and the burthen they shall carry.

SECT. 4. *And be it further enacted*, That if any person shall cut, break down or otherwise injure or destroy either of the said turnpike gates, or shall dig up or carry away any earth from the said road, or in any other manner damage the same, or shall forcibly pass, or attempt to pass the said gate by force, with intent to avoid the payment of the legal toll at such gate, such person shall forfeit and pay a fine not exceeding *ten dollars* nor less than *five dollars*, to be recovered by the Treasurer of the said Corporation to their use, in an action of trespass: And if any person with his team, cattle or horse, shall turn out of the said road to pass the said turnpike gate, and again enter on the said road, with intent to evade the toll due by virtue of this Act, such person shall forfeit and pay *two dollars*, to be recovered by the Treasurer of the said Corporation, to the use of the same, in an action of debt: *Provided however*, That nothing in this Act shall extend to entitle the said Corporation to demand or receive toll of any person who shall be passing on foot, or with his horse or carriage to or from public worship, or with his horse, team or cattle, to or from his common labour on his farm, or to or from any grist-mill, or on the common and ordinary business of family concerns, or from any person or persons passing on military duty.

SECT. 5. *And be it further enacted*, That if the said Corporation, or their toll-gatherer, or others in their employ, shall unreasonably delay or hinder any traveller or passenger, or shall demand or receive more toll than is by this Act established, the said Corporation shall forfeit and pay a sum not exceeding *ten dollars* nor less than *two dollars*, to be recovered before any Justice of the Peace for the county of *Lincoln*, by any person injured, delayed or defrauded, in a special action of the case; the writ in which shall be served on the said Corporation, by leaving a copy of the same with the Treasurer, or with some individual member living in the county of *Lincoln*, or by reading the same to the said Treasurer or individual member, at least seven days before the day of trial; and the said Treasurer, or individual member, shall be allowed to defend the same suit in behalf of the said Corporation: And the said Corporation shall be liable

Sign-board to be erected.

Proviso respecting fellies.

Penalty for injuring gate or road.

Penalty for delaying travellers or exacting illegal toll.

to pay all damages which may happen to any person from whom the toll is demandable, for any damage which may arise from defect of bridges or want of repairs in the said way; and shall also be liable to presentment by the Grand Jury, for not keeping the same in good repair.

Shares to be considered personal estate; mode of transfer & attachment prescribed.

SECT. 6. *And be it further enacted,* That the shares in the same turnpike road shall be taken, deemed and considered to be personal estate, to all intents and purposes, and shall and may be transferable; and the mode of transferring the said shares shall be by deed, acknowledged before any Justice of the Peace, and recorded by the Clerk of the said Corporation, in a book for that purpose to be provided and kept: And when any share shall be attached on *mesne process*, or taken in execution, an attested copy of such writ of attachment or execution shall, at the time of the attachment or taking in execution, be left with the Clerk of the said Corporation, otherwise the attachment or taking in execution shall be void; and such shares may be sold on execution in the same manner as is or may by law be provided for making sale of personal property on execution; and the officer making the sale, or the judgment creditor, leaving a copy of the execution, and the officer's return on the same, with the Clerk of the said Corporation, within fourteen days after such sale, and paying for the recording of the same, shall be deemed and considered as a sufficient transfer of such share or shares in the said turnpike road.

Shares of delinquents may be sold.

SECT. 7. *And be it further enacted,* That whenever any Proprietor shall neglect or refuse to pay any assessment, duly voted and agreed upon by the said Corporation, to their Treasurer, within sixty days after the time set for the payment thereof, the Treasurer of the said Corporation is hereby authorized to sell at public vendue the share or shares of such delinquent Proprietor, one or more, as shall be sufficient to defray the said taxes and necessary incidental charges, after having given public notice of such sale in the newspaper printed at *Wiscasset*, (and in case no newspaper shall be printed there at the time, then in the newspaper printed in the town nearest to said *Wiscasset*,) the sum due on any such shares, and the time and place of sale, at least thirty days before the day of sale; and such sale shall be a sufficient transfer of the share or shares so sold, to the person purchasing the same; and on producing a certificate of such sale, from the Treasurer to the Clerk of the said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the books of the said Corporation, and such person shall be considered to all intents and purposes the Proprietor thereof; and the overplus, if any there be, shall be paid on demand, by the Treasurer, to the person whose shares were so sold.

SECT.

SECT. 8. *And be it further enacted,* That the said Corporation shall, within six months after the said road is completed, lodge in the Secretary's office an account of the expenses thereof; and that the said Corporation shall annually exhibit to the Governor and Council a true account of the income or dividend arising from the said toll, with their necessary annual disbursements on the said road; and that the books of the said Corporation shall at all times be subject to the inspection of a Committee to be appointed by the General Court, and to the inspection of the Governor and Council when called for.

Statements of receipts & expenses to be exhibited.

SECT. 9. *And be it further enacted,* That the General Court may dissolve the said Corporation, whenever it shall appear to their satisfaction, that the income arising from the toll shall have fully compensated the said Corporation for all monies they may have expended in purchasing, repairing and taking care of the said road, together with any interest thereon at the rate of *twelve per cent.* by the year; and thereupon the property of the said road shall be vested in this Commonwealth, and be at their disposal: *Provided however,* That if the said Corporation shall neglect to complete the said turnpike road for the space of seven years from the passing of this Act, the same shall be void and of no effect.

Corporation to be dissolved when the members are indemnified.

[This Act passed *March 9, 1804.*]

An ACT to incorporate *John Peck*, and others, by the Name of *The Boston Mill Corporation.*

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *John Peck, Benjamin Hichborn, and Mary Gilman*, owners and Proprietors of the water-mills, mill-pond and land under the same, and estate adjoining to and belonging to the same, situate in *Boston*, in the county of *Suffolk*, commonly known by the name of the *Mill-Pond*, together with their associates, and such as may hereafter associate with them and their successors and assigns, shall be a Body Politic, by the name of *The Boston Mill Corporation*; and by that name may sue and be sued, plead and be impleaded, defend and be defended, in any Courts of Record, or in any other place whatsoever; and shall and may do and suffer all matters, acts and things which Bodies Politic ought to do and suffer; and shall have power to make, have and use a common seal, and the same again at pleasure to break, alter and renew; and also to ordain, establish and put in execution such by-laws, ordinances and regulations as to them shall appear necessary and convenient for the government of said Corporation, and for the prudent management

Incorporating clause.

management of their property and affairs ; and for the breach of such by-laws, ordinances and regulations may order fines and penalties, not exceeding *thirteen dollars* for every breach : *Provided*, That such by-laws, ordinances and regulations shall not be repugnant to the laws of this Commonwealth.

SECT. 2. *Be it further enacted*, That the stock, property and estate now belonging to the said Proprietors and their associates, shall be, and hereby are vested in the said Corporation, and fully confirmed to them to every intent and purpose whatever ; and shall be divided into sixteen hundred shares, which shall be divided among and held by the present Proprietors, according to the proportion of interest which they now severally hold therein ; and certificates of such shares, signed by the President, shall be issued to them accordingly, which shares shall be transferable by indorsement on the back of said certificates, and the property shall be vested in the vendee, when a record shall be made thereof by the Clerk of said Corporation, and new certificates shall be issued accordingly ; and such shares shall in all respects be considered as personal estate.

J. Peck authorized to call a meeting of the Proprietors.

SECT. 3. *Be it further enacted*, That *John Peck* aforesaid may call a meeting of the above named Proprietors, to be holden on the first Tuesday of *April* next, at some suitable place in *Boston*, by advertisement in the *Columbian Centinel*, or any other newspaper printed in *Boston*, ten days before said day ; and at that and all other meetings said Proprietors may vote by themselves or proxy, always allowing to every Proprietor one vote to each share : *Provided*, That no Proprietor shall have more than forty votes : And said Proprietors, by a majority of votes, shall choose a Clerk and two or more Directors, not exceeding five, from among the Stockholders, by ballot, to continue in office one year, and until others are chosen, and no longer ; and said Directors shall meet as soon as may be after their election, and shall choose from their own number a President ; and in case of vacancy by the death or resignation of such Clerk, President or Director, such vacancy shall be filled by the Directors already chosen and qualified.

Corporation allowed to hold other real estate than the Mill Pond.

SECT. 4. *Be it further enacted*, That said Corporation is hereby authorized to purchase and hold real estate, not exceeding in value *thirty thousand dollars*, more than they now hold ; and their real estate may sell, exchange and dispose of at pleasure ; and the said President and Directors shall convey the same, or the right, title and interest of said Corporation of, in and to the same, whenever they shall be so directed by a major vote of the Proprietors present or represented at any legal meeting notified for this purpose : And the said Corporation generally shall have the power of managing and improving

proving their mills and estate with the same facilities and in the same manner as other Bodies Corporate.

SECT. 5. *Be it further enacted*, That the President and Directors may make such assessments on the shares of each and every member of this Corporation as they may think proper and necessary for executing the purposes aforesaid; and in case such assessments are not paid in conformity to the rules and regulations for this purpose to be made and established by said Corporation, may and shall have full power and authority to sell the share or shares of any of the Proprietors who shall be delinquent in the payment of said assessments; and shall also, at such times as may be agreed on by said Corporation, make such dividends of their rents, profits and receipts as may arise thereon.

Assessments may be levied, and shares of delinquents sold.

SECT. 6. *Be it further enacted*, That the property of any individual member of this Corporation, vested in the stock of the Corporation, with the dividend or dividends due thereon, shall be liable to attachment and execution in manner following, viz. Whenever a proper officer, having a writ of attachment or execution in favour of any *bona fide* creditor, against any member, shall apply to the Clerk, it shall be his duty to give him a certificate of the number of shares said member holds, and the amount of dividends due thereon; and whenever such share or shares shall be attached on *mesne process*, or taken in execution, in addition to a copy of such writ, or a summons to be left with the debtor, an attested copy thereof shall be left with the Clerk of said Corporation; and such share or shares may be sold on execution, after the same notification, and in the same manner as other personal property; and the officer making such sale, within five days thereafter, shall leave an attested copy of such execution, with his return thereon, with the Clerk of said Corporation, and the vendee shall become the absolute Proprietor of such share or shares, with all the dividend or dividends due thereon.

Mode of attachment of a share and execution.

SECT. 7. *And be it further enacted*, That the real estate of said Corporation shall be liable for the debts of the Corporation, and shall be liable to attachment and execution on any judgment against the Corporation, in the same manner as other real estate; and the Corporation shall have the right and equity of redeeming the same; and that nothing in this Act contained shall be construed to affect the title of the said Proprietors and their associates to said estate, or the claims of the town of *Boston*, or any Corporation, to the same, or the claim or claims of any person or persons whatever.

Real estate of the Corporation liable for its debts.

[This Act passed March 9, 1804.]

An ACT establishing *The Hartford and Dedham Turnpike Corporation.*

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Oliver Hartshorn, John Baxter, John Whiting, George Ellis, Willard Boyd, Johnson Mason, Eli Richardson, jun. Moses Bullen, Elibu Pond, Henry Tisdale, John Needham, Abner Morse, Benajah Pond, Abijah Richardson, John Boyd, Joseph Lovell, James Richardson, Artemas Woodward, Daniel Adams, and all such persons as shall be associated and interested with them, and their successors, shall be a Corporation by the name of The Hartford and Dedham Turnpike Corporation; and shall by that name sue and be sued, and enjoy all the privileges and powers which are by law incident to Corporations, for the purpose of laying out and making a turnpike road from The Ninth Turnpike (so called) to The Norfolk and Bristol Turnpike, in Dedham, and for keeping the same in repair: The said turnpike to begin at such part of The Ninth Turnpike in Mendon or Bellingham, and to run in such directions, and to such place on The Norfolk and Bristol Turnpike in Dedham, as a Committee appointed by the General Court shall with due regard to all circumstances direct; which Committee is hereby authorized and directed to locate the same road accordingly; which road shall not be less than four rods wide, except in such parts thereof as the said Committee shall think it expedient otherwise to direct, and the part to be travelled on not less than twenty-four feet in width in any place: And when said turnpike road shall be sufficiently made, and allowed and approved by the abovesaid Committee, then the said Corporation shall be authorized to erect two turnpike-gates on the same, in such manner as shall be necessary and convenient, in such places as the abovesaid Committee shall direct; and shall be entitled to receive from each traveller and passenger, at each of the said gates, the following rates of toll, viz. For every coach, phaeton, chariot, or other four-wheel carriage, drawn by two horses, *twenty-five cents*, and if drawn by more than two horses, an additional sum of *four cents* for each horse; for every curricule, *seventeen cents*; for every cart, waggon, sled or sleigh, drawn by two oxen or horses, *ten cents*, and if drawn by more than two, an additional sum of *three cents* for each horse or ox; for every chaise, chair, or other carriage, drawn by one horse, *ten cents*; for every waggon, cart, sled or sleigh, drawn by one horse, *six cents*; for every man and horse, *four cents*; for all oxen, horses, mules, and neat cattle, led or driven, besides those in teams and carriages, *one cent* each; for all sheep*

Names of persons incorporated.

Course of the road.

Width of road.

When a gate is to be erected.

Rates of toll.

sheep and swine, *three cents* by the dozen, and in that proportion for a greater or less number: *Provided*, That nothing in this Act shall extend to entitle the said Corporation to demand toll of any person who shall be passing with his horse or carriage to or from public worship, or with his horse or team to or from any mill, or with his horse, team, or cattle to or from his common labour on his farm, or on the common and ordinary business of family concerns within the same towns, or any person passing on military duty; and that when no toll-gatherer shall be present at either of the said gates to receive the toll, the said gate shall be left open, and travellers be permitted to pass freely: *Provided*, That not more than half the rate of toll aforesaid shall be demanded on carts and waggons, the fellies of the wheels of which shall be not less than six inches broad; and the General Court may hereafter otherwise regulate the toll, according to the width of the fellies of the wheels on which they shall run, and the burthens they shall carry: *Provided also*, That no turnpike gate shall be erected at any place on the present travelled road.

Provide
respecting
fellies
wheels.
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SECT. 2. *Provided nevertheless, and be it further enacted*, That the said Corporation be, and is hereby empowered to commute the rate of toll with any person, or with the inhabitants of any town through which the said turnpike road shall be made, by taking of him or them any certain sum annually, or for a less time, to be mutually agreed on, in lieu of the toll established in and by this Act.

Toll may be
commuted.

SECT. 3. *And be it further enacted*, That the said Corporation shall, at each place where the toll shall be collected, erect and keep constantly exposed to view, a sign or board, with the rates of toll of all the tollable articles fairly and legibly written thereon in large or capital letters.

Sign-board to
be erected.

SECT. 4. *And be it further enacted*, That the said Corporation may purchase and hold land over which they may make said road; and the said Corporation shall be holden to pay all damages which shall arise to any person by taking his land for such road, where it cannot be obtained by voluntary agreement, to be estimated by a Committee appointed by the Court of General Sessions of the Peace of the county of *Norfolk*, saving to either party the right of trial by Jury, according to the law which provides for the recovery of damages accruing by laying out public highways; and if said Jury shall increase the damages estimated by such Committee, the said Corporation shall be holden to pay the costs of such trial by Jury.

Corporation
allowed to hold
land, paying
damages for
such as may be
taken.

SECT. 5. *And be it further enacted*, That if any person shall cut, break down, or destroy either of the said turnpike gates, or shall forcibly pass, or attempt to pass the same by force, without having first paid the legal toll at such gate, such
person

Penalty for gate injuring road. person shall forfeit and pay a fine not exceeding *fifty* or less than *fifteen dollars*, to be recovered by the Treasurer of said Corporation to their use, in an action of debt; and if any person shall, with his cattle, team, carriage or horse, turn out of the said road to pass either of the said turnpike gates, with intent to evade the toll due by virtue of this Act, such person shall forfeit and pay the sum of *two dollars*, to be recovered by the Treasurer of said Corporation to the use thereof, in an action of debt.

SECT. 6. *And be it further enacted*, That if the said Corporation, their toll-gatherers, or others in their employment, shall unreasonably delay or hinder any traveller or passenger, at either of said gates, or shall demand and receive more toll than is by this Act established, the Corporation shall forfeit and pay a sum not exceeding *ten dollars* nor less than *one dollar*, to be recovered before any Justice of the Peace of the county of *Norfolk*, not being a Proprietor of said Corporation, by any person injured, delayed or defrauded, in a special action on the case, the writ in which action shall be served on the Corporation, by leaving a copy of the same with the Treasurer or Clerk of said Corporation, at least seven days before the day of trial; and the Treasurer or Clerk of said Corporation, or any other person by them authorized, shall be allowed to defend the same suit in behalf of the Corporation; and the Corporation shall be liable to pay all damages which shall happen to any person from whom toll is by this Act demandable, for any damages which shall arise from any defect of bridges or want of repairs within the same way; and shall be also liable to a fine on the presentment of the Grand Jury, for not keeping the same way, or the bridges thereon, in good repair.

Shares to be considered personal estate; mode of transfer & attachment prescribed. SECT. 7. *And be it further enacted*, That the shares in the said turnpike road shall be taken, deemed and considered to be personal estate to all intents and purposes, and shall be transferable; and the mode of transferring said shares shall be by deed, acknowledged before any Justice of the Peace, and recorded by the Clerk of said Corporation, in a book to be kept for that purpose: And when any of said shares shall be attached on *mesne process*, or taken in execution, an attested copy of such writ of attachment or execution shall, at the time of the attachment or taking in execution, be left with the Clerk of said Corporation, otherwise such attachment or taking in execution shall be void; and such shares may be sold on execution, in the same manner as is or may by law be provided for the sale of personal property by execution; the officer making sale, or the judgment creditor, leaving a copy of the execution, and of the officer's return on the same, with the Clerk of the said Corporation, within ten days after such sale, and paying for the recording of the same.

SECT.

SECT. 8. *And be it further enacted,* That every Proprietor in the said turnpike road, or his agent duly authorized in writing, shall have a right to vote in all meetings of the said Corporation, and be entitled to as many votes as the Proprietor has shares in the same, *provided* the number of shares do not exceed ten; but no Proprietor shall be entitled to more than ten votes, for any greater number of shares which he may possess.

Number of
votes restricted.

SECT. 9. *And be it further enacted,* That whenever any Proprietor shall neglect or refuse to pay any tax or assessment duly voted and agreed upon by the Corporation, to their Treasurer, within sixty days after the set time for the payment thereof, the Treasurer of the said Corporation is hereby authorized to sell at public vendue, the share or shares of such delinquent Proprietor, one or more, as shall be sufficient to defray said taxes and necessary incidental charges, after duly notifying in the newspaper printed at *Dedham*, or in some paper printed at *Boston*, the sum due on any such shares, and the time and place of sale, at least twenty days previous to the time of sale; and such sale shall be a transfer of the share or shares sold, to the person purchasing; and on producing a certificate of such sale from the Treasurer to the Clerk of said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the books of the said Corporation, and such person shall be considered to all intents and purposes the Proprietor thereof; and the overplus, if any there be, shall be paid on demand, by the Treasurer, to the person whose shares were thus sold.

Shares of delinquents may be sold.

SECT. 10. *And be it further enacted,* That a meeting of said Corporation shall be held at the house of Col. *Johnson Mason*, in *Medfield*, on the last Tuesday of *March* next, for the purpose of choosing a Clerk, who shall be sworn to the faithful discharge of his trust, and such other officers as shall then and there be agreed upon by the said Corporation, for regulating the concerns thereof; and that the said Corporation may then and there agree upon such method of calling meetings in future as they may judge proper.

First meeting.

SECT. 11. *And be it further enacted,* That the said Corporation shall, within six months after the road is completed, lodge in the Secretary's office an account of the expenses thereof; and that the said Corporation shall annually exhibit to the Governor and Council a true account of the income or dividend arising from the toll, with their necessary annual disbursements on said road; and that the books of the said Corporation shall at all times be subject to the inspection of a Committee to be appointed by the General Court, and to the inspection of the Governor and Council when called for.

Statements of receipts & expenses to be exhibited.

SECT.

Money may
be granted to
certain persons.

SECT. 12. *And be it further enacted*, That the said Corporation is hereby allowed to grant monies to such persons as have rendered services to the Proprietors in exploring the said road, or otherwise, previous to the Act of incorporation.

Corporation
to be dissolv-
ed when the
members are
indemnified.

SECT. 13. *And be it further enacted*, That the General Court may dissolve said Corporation, whenever it shall appear to their satisfaction, that the income arising from the toll shall have fully compensated the said Corporation for all monies they may have expended in purchasing, making, repairing and taking care of the said road, together with an interest thereon at the rate of *twelve per cent.* by the year; and thereupon the property of the said road shall be vested in this Commonwealth, and be at their disposal: *Provided*, That if the said Corporation shall neglect to complete the said turnpike road, for the space of five years from the passing this Act, the same shall be void and of no effect.

Committee to
lay out the
road.

SECT. 14. *And be it further enacted*, That *Thomas Hale, Zebina Montague, and Jonas Kendall*, Esqrs. be a Committee for the purposes aforesaid, they giving public notice of the time of locating said road, said notice to be published in the newspaper printed in *Dedham*, and in the *New-England Palladium*, three weeks successively, the last publication to be at least twenty days prior to said location.

[This Act passed March 9, 1804.]

An ACT for incorporating certain Persons therein named, by the Name of *The Trustees of the Elliot School*, in that Part of *Roxbury* called *Jamaica Plains*, and repealing all Laws heretofore made relating to said School.

Preamble.

WHEREAS the education of youth is of the utmost importance to the safety and happiness of a free people: And whereas the Rev. *John Elliot*, formerly pastor of the First Church in *Roxbury*, and several other persons, have voluntarily granted and conveyed certain lands situate in *Roxbury*, in the county of *Norfolk*, to certain persons in trust, the income of which to be appropriated for the support of a free school in that part of *Roxbury* called *Jamaica Plains*: And whereas from the failure of lineal heirs of some of the Trustees therein named, difficulties in managing the affairs of the said school have already occurred, and several inhabitants and proprietors of that part of *Roxbury* have made application to this Court for an Act of incorporation, that the interest of the said school may be more effectually secured and promoted:

SECT.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *Thomas Weld and Jacob Weld, yeomen, John Parker, Esq. Capt. Joseph Curtis, Stephen Child, Nathaniel Weld, and Joseph Brewer, yeomen, all of Roxbury, in the county of Norfolk, and resident freeholders in that part of Roxbury called Jamaica Plains, be, and they hereby are nominated and appointed Trustees of the said school; and they are hereby incorporated into a Body Politic by the name of The Trustees of Elliot School; and they and their successors shall be and continue a Body Politic and Corporate by the same name forever.*

Persons incor-
porated.

SECT. 2. *Be it further enacted by the authority aforesaid,* That all the lands, buildings and other property which have heretofore been given, granted and conveyed by the said *John Elliot*, and by all others, to Trustees and Feoffees for supporting said school, and all other estate, interest, claim or demand whatever, belonging to the said school, or which are held in trust therefor, be, and they hereby are confirmed to the said Trustees and to their successors, as Trustees of *Elliot School*, forever: And the said Trustees and their successors are hereby required, in conducting the concerns thereof, and in all matters relating thereto, to regulate themselves conformably to the true design and intention of the said *John Elliot*, as expressed in his deed of conveyance aforesaid.

Estate confirm-
ed to Trustees.

SECT. 3. *Be it further enacted,* That the said Trustees and their successors shall have a common seal, which they may make use of in any cause or business that relates to the office of Trustees of said school; and they shall have power and authority to break, change and renew the same at pleasure, as from time to time they shall see fit; and they may sue and be sued in all actions, real, personal and mixed, and prosecute and defend the same to final judgment and execution, by the name of *The Trustees of Elliot School*.

Corporation to
have a com-
mon seal.

SECT. 4. *Be it further enacted,* That the Trustees aforesaid and their successors shall be the true and sole Visitors, Trustees and Governors of the said *Elliot School*, in perpetual succession forever, to be continued in the way and manner hereafter specified; with full power and authority to elect a Chairman, Secretary and Treasurer, and such officers of the said school as they shall judge necessary and convenient, and to make, ordain and establish such rules, orders and by-laws as they shall deem necessary; all which shall be binding upon the officers, scholars and servants of the said school, *provided* the same be not repugnant to the laws of this Commonwealth, or the true intention of the several donors.

Trustees to be
the sole gover-
nors, &c.

SECT. 5. *Be it further enacted,* That the number of the said Trustees shall not at any time be more than seven, nor less than

Number of
Trustees.

than five, four of whom shall constitute a quorum for transacting business; and a major part of the members present at any stated meeting thereof, shall decide all questions which may properly come before them.

Trustees to fill
vacancies at
their Board.

SECT. 6. *Be it further enacted*, That as often as one or more of the said Trustees shall die, resign, remove, or, in the judgment of the major part of the said Trustees, for the time being, be rendered by age, infirmity, or otherwise, incapable of discharging the duties of his office, then and so often the remaining part of the Trustees surviving and remaining, or the major part of them, shall elect one or more persons to supply the vacancy or vacancies by ballot, from the reputable resident freeholders of that part of *Roxbury* which is above described.

Estate allowed
to be held.

SECT. 7. *Be it further enacted*, That the said Trustees and their successors be, and they are hereby rendered capable in law to take and receive in trust by gift, grant, devise, or bequest, any estate, real or personal, not exceeding the sum of *twenty thousand dollars*; to have and to hold the same to the said Trustees and their successors in office, for the benefit and use of the said school, to be by them applied according to such conditions and limitations as may be expressed in any deed or instrument of conveyance to them made.

Trustees to de-
termine times
of meetings,
&c.

SECT. 8. *Be it further enacted*, That the said Trustees shall have full power and authority to determine at what times and places their meetings shall be holden; and upon the manner of notifying the Trustees to attend such meetings; and also upon the method of electing or removing Trustees; and the said Trustees shall have full power and authority to ascertain and prescribe, from time to time, the powers and duties of their several officers, and to fix and ascertain the tenures of their respective offices.

Former laws
rendered null.

Present Trust-
tees empower-
ed to receive
rents, &c.

SECT. 9. *Be it further enacted*, That all laws heretofore made relating to the said school, (by whatever name it hath formerly been known,) be, and they are hereby rendered null and void: *Provided always*, That the persons who at this time have been elected and act as Trustees and Feoffees of the several estates granted and conveyed by the said *John Elliot* and others, shall have respectively full right in law to demand and receive all rents and incomes, or any arrearages thereof, or other sum or sums of money, which, from any persons whomsoever, by any contracts or bargains made with them as Trustees or as Feoffees, are or may become due: *And provided also*, That the said persons who have acted as Trustees or as Feoffees, shall be held to liquidate and settle all their accounts with, and pay over all such sum or sums of money as they have or may receive in their said respective capacities, unto the Trustees appointed by this Act, or hereafter to be chosen in pursuance thereof.

SECT.

SECT. 10. *Be it further enacted,* That all deeds and instruments which the said Trustees may lawfully make in their said capacity, shall, when made in their name, and signed and delivered by their Treasurer, and sealed with their common seal, be binding on the said Trustees and their successors, and be valid in law. Deeds made by the Trustees to be binding.

SECT. 11. *And be it further enacted,* That the said Trustees shall once in every year render to the Proprietors of the said school, at a meeting to be called by said Trustees, an account of their receipts and expenditures, and of such other transactions of the said Trustees as said Proprietors may lawfully require. Annual account to be rendered.

SECT. 12. *And be it further enacted by the authority aforesaid,* That *Martin Brimmer, Esq.* be, and he hereby is authorized and empowered to fix the time and place for holding the first meeting of the said Trustees, and to notify them thereof. First meeting.

[This Act passed *March 9, 1804.*]

An ACT to incorporate *Samuel Henshaw, Esq.* and others, into a Company, by the Name of *The Hampshire Fire Insurance Company.*

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said *Samuel Henshaw*, and all such persons as have already, or hereafter shall become Stockholders in the said Company, being citizens of the *United States*, be, and they are hereby incorporated into a Company or Body Politic, by the name of *The Hampshire Fire Insurance Company*, for and during the term of twenty years after the passing of this Act; and by that name may sue or be sued, plead or be impleaded, appear, prosecute and defend to final judgment and execution; and have a common seal, which they may alter at pleasure; and may purchase, hold and convey any estate real or personal for the use of the said Company, subject to the restrictions hereinafter mentioned. Term of incorporation.

SECT. 2. *And be it further enacted,* That the capital stock of said Company, exclusive of premiums or profits arising from said business, shall be *seventy-five thousand dollars*; and shall be divided into seven hundred and fifty shares; of which capital stock, not more than *five thousand dollars* shall be vested in real estate. Capital stock and shares.

SECT. 3. *And be it further enacted,* That the stock, property, affairs and concerns of the said Company shall be managed and conducted by eleven Directors, one of whom shall be President thereof, who shall hold their offices for one year, and until others Number of Directors, one of which is to be President.

others shall be chosen, and no longer ; which Directors shall, at the time of their election, be Stockholders in the said Company, and citizens of this Commonwealth ; and shall be elected on the first Wednesday of *October* annually, at such times of the day, and at such place in the town of *Northampton*, in the county of *Hampshire*, as a majority of the Directors for the time being shall appoint, of which election public notice shall be given in some newspaper printed at *Northampton*, and in one printed at *Springfield*, in said county of *Hampshire*, three weeks immediately preceding the said days of election ; and such election shall be holden under the inspection of three Stockholders, not being Directors, to be appointed previous to every election by the Directors ; and shall be made by ballot by a majority of the votes of the Stockholders present, allowing one vote to each share in the capital stock : *Provided*, That no Stockholder shall be allowed more than ten votes ; and the Stockholders not present may vote by proxy, under such regulations as the said Company shall prescribe : And if through any unavoidable accident the said Directors should not be chosen on the said first Wednesday of *October* as aforesaid, it shall be lawful to choose them on another day, in manner herein prescribed.

The Directors
to fill vacancies
at their Board.

SECT. 4. *And be it further enacted*, That the Directors so chosen shall meet as soon as may be after every election, and shall choose out of their body one person to be President, who shall preside for one year, and be sworn faithfully to discharge the duties of his office ; and in case of the death, resignation or inability to serve of the President or any Directors, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by a special election for that purpose, to be holden in the same manner as herein before directed respecting annual elections for Directors and President.

Board for the
transaction of
business.

SECT. 5. *And be it further enacted*, That the President and four of the Directors, or four of the Directors in the absence of the President, shall be a Board competent for the transaction of business ; and all questions before them shall be decided by a majority of votes ; and they shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, for the orderly conducting the affairs of the said Corporation, and for calling meetings of the Stockholders, and touching the management, disposition or exchange of the stock, property, estate and effects of the said Company, and the transfer of the shares, and touching the duties and conduct of the several officers, clerks and servants employed, and the election of Directors, and all such matters as appertain to the business of insurance ; and shall also have power to appoint a Secretary, and so many clerks and servants for carrying on said business, and with such salaries and allowances to them, and

Secretary and
Clerks to be
appointed.

to the President, as to the said Board shall seem meet: *Provided*, That such by-laws, rules and regulations shall not be repugnant to the Constitution or laws of this Commonwealth.

SECT. 6. *And be it further enacted*, That there shall be stated meetings of the Directors at least once in every month, and as often within each month as the President and Board of Directors shall deem proper; and the President and a Committee of two of the Directors, to be by him appointed in rotation, shall assemble daily, if need be, for the dispatch of business: And the said Board of Directors, or the Committee aforesaid, at and during the pleasure of the said Board, shall have power and authority in behalf of the Company, to make insurance on dwelling-houses and all other buildings whatsoever, and on all goods, wares and merchandize on land, against damage arising and happening by fire, and also upon the lives of persons bound to sea, or otherwise engaged; and to fix the premiums and terms of payment: And all policies of insurance by them made shall be subscribed by the President, or in the case of his death, sickness, inability or absence, by any two of the Directors, and countersigned by the Secretary, and shall be binding and obligatory upon the said Company, and have the like effect and force as if under the seal of the said Company; and all losses duly arising under any such policies so subscribed, may be adjusted and settled by the President and Board of Directors, and the same shall be binding on the Company.

SECT. 7. *And be it further enacted*, That it shall be the duty of the Directors to make half yearly dividends of so much of the interest arising from their capital stock, and the profits of the said Company, as to them shall appear advisable; but the monies received, and notes taken for premiums on risks, which shall be undetermined and outstanding at the time of making such dividends, shall not be considered as part of the profits of the Company: And in case of any loss or losses whereby the capital stock of the Company shall be lessened, each Proprietor's or Stockholder's estate shall be held accountable for the instalments that may be due and unpaid on his share or shares at the time of such loss or losses taking place, to be paid in to the said Company by assessments, or such other mode, and at such time or times as the Directors shall order; and no subsequent dividend shall be made, until a sum equal to such diminution shall have been added to the capital; and that once in every three years, and oftener if required by a majority of the votes of the Stockholders, the Directors shall lay before the Stockholders, at a general meeting, an exact and particular statement of the profits, if any there be, after deducting losses and dividends.

SECT.

Company not
to trade.

SECT. 8. *And be it further enacted,* That the said Company shall not directly or indirectly deal or trade in buying or selling any goods, wares, merchandize or commodities whatsoever; and the capital stock of said Company, after being collected at each instalment, shall be vested either in the funded debt of the *United States*, or of this Commonwealth, or in the stock of the *United States Bank*, or of some incorporated Bank in this Commonwealth, at the discretion of the President and Directors of said Company.

Payment of
instalments.

SECT. 9. *And be it further enacted,* That fifty dollars on each share in said Company shall be paid within sixty days after the first meeting of said Company, and the remaining sum within one year after said first meeting, at such instalments, and under such penalties as the said Company shall direct; and no transfer of any share in said Company shall be permitted to be valid, until all the instalments on such share shall have been paid.

Directors of
other Compa-
nies not eligible
in this.

SECT. 10. *And be it further enacted,* That no person being a Director of any other insurance Company, shall be eligible as a Director of the Company by this Act established.

Shares liable
to attachment,
and the man-
ner prescribed.

SECT. 11. *Be it further enacted,* That the property of any member of said Company, vested in the stock of said Company, with the dividend or dividends due thereon, shall be liable to attachment and execution, in favour of any *bona fide* creditor, in manner following, viz. Whenever a proper officer, having a writ of attachment or execution against such member, shall apply with such writ or execution to the Secretary of said Company, it shall be the duty of said Secretary to expose the books of the Corporation to such officer, and furnish him with a certificate under his hand, in his official capacity, ascertaining the number of shares the said member holds in said Company, and the amount of the dividend or dividends due thereon; and when any such share or shares shall be attached on *mesne process*, or taken in execution, an attested copy of such writ of attachment or execution shall be left with the said Secretary; and such share or shares may be sold on execution, after the same notification of the time and place of sale, and in the same mode of sale as other personal property; and it shall be the duty of the officer making such sale, within ten days after, to leave an attested copy of the execution, with his return thereon, with the Secretary of the Company, and the vendee shall thereby become the Proprietor of such share or shares, and entitled to the same, and to all the dividends which shall have accrued thereon after the taking in execution as aforesaid, or when there shall have been a previous attachment, after such attachment, notwithstanding any intervening transfer.

Case of loss af-
fecting the
capital.

SECT. 12. *And be it further enacted,* That in case of any loss or losses taking place, that shall be equal to the amount of the capital

capital stock of the said Company, and the President and Directors, after knowing of such loss or losses taking place, shall subscribe to any policy of insurance, their estates jointly and severally shall be accountable for the amount of any and every loss that shall take place under policies thus subscribed.

SECT. 13. *And be it further enacted*, That the President and Directors of said Company shall, previous to their subscribing to any policy, and once in every year after, publish in the *Hampshire Gazette*, or in some other paper printed at *Northampton*, and also in some paper printed at *Springfield*, in the county of *Hampshire*, the amount of their stock, against what risks they mean to insure, and the largest sum they mean to take on any one risk.

Amount of stock, &c. to be published.

SECT. 14. *And be it further enacted*, That the President and Directors of said Company shall, when, and as often as required by the Legislature of this Commonwealth, lay before them a statement of the affairs of said Company, and submit to an examination concerning the same under oath.

Statements to be made to the Legislature.

SECT. 15. *And be it further enacted*, That *Samuel Henshaw*, *Samuel Hinckley*, and *Joseph Lyman, jun. Esqrs.* or any two of them, are hereby authorized to call a meeting of the members of the said Company as soon as may be, in *Northampton*, by advertizing the same for two weeks, in some one paper printed at *Northampton*, and some other paper printed at *Springfield*, for the purpose of their electing the first Board of Directors, who shall continue in office until the first Wednesday of *October*, in the year of our Lord eighteen hundred and four.

First meeting.

[This Act passed March 9, 1804.]

An ACT to establish a Corporation by the Name of *The Salem and Chelmsford Turnpike Corporation.*

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Benjamin Pickman*, *Edward Augustus Holyoke*, *John Derby*, *Elias Hasket Derby*, *Nathaniel West*, *Simon Forrester*, *Clifford Crowninshield*, *John Jenks*, *William Prescott*, and *Samuel Marshall*, together with such others as may hereafter associate with them and their successors, shall be a Corporation, by the name and style of *The Salem and Chelmsford Turnpike Corporation*, with all the powers and privileges usually given and belonging to similar Corporations, for the purpose of laying out, making and keeping in repair a turnpike road, from the town of *Salem*, through *Danvers*, *Reading*, *Wilmington*, and *Teakbury*, to *Stony Brook*, in *Chelmsford*, upon as straight a line as circumstances will admit; which turnpike road shall not be less than four rods wide, and the part to be travelled on not less

Names of persons incorporated.

Course of the road.

less than twenty-four feet wide in any part thereof: *Provided however*, That if the said road shall be laid out across the *Middlesex* Canal, the Proprietors of said *Salem* and *Chelmsford* Turnpike Road shall be obliged to make any bridge or bridges across the said canal, of proper height, and such form and dimensions as shall be sufficient to preserve the free navigation of said canal, and keep the same in repair: And when said road shall be sufficiently made, and shall be allowed and approved by a Committee appointed by His Excellency the Governor of this Commonwealth, for that purpose, then the said Turnpike Corporation shall be authorized to erect two turnpike gates on the said road, at such places, and in such manner as shall be necessary and convenient, and at least ten miles apart, (*provided* such gates shall not be erected on any part of the roads heretofore travelled;) and shall be entitled to receive of each traveller or passenger, at each of said gates, the following rate of toll, viz. For each phaeton, coach, chariot, or other four-wheeled carriage, drawn by two horses, *twenty-five cents*, and if drawn by more than two horses, an additional sum of *four cents* for each horse; for every cart or waggon, drawn by two horses or oxen, *twelve and an half cents*, and if drawn by more than two horses or oxen, an additional sum of *three cents* for each horse or ox; for every curricule, *sixteen cents*; for every sleigh or sled, drawn by two horses or oxen, *twelve and an half cents*, and if drawn by more than two horses or oxen, an additional sum of *three cents* for each horse or ox; for every sleigh or sled, drawn by one horse, *ten cents*; for every chaise, chair, cart, or other carriage, drawn by one horse, *twelve and an half cents*; for every man and horse, *five cents*; for all horses, oxen or neat cattle, led or driven, besides those in teams or carriages, *one cent* each; for all sheep and swine, *three cents* by the dozen, and in the same proportion for a greater or less number: *Provided*, That the General Court may hereafter otherwise regulate the tolls to be paid by carts and waggons, according to the width of the fellies of the wheels on which they shall run, and the burthens they shall carry.

When gates are
to be erected.

Rates of toll.

Provide re-
specting fellies.

When the first
gate may be e-
rected.

SECT. 2. *And be it further enacted*, That when said road is sufficiently built, from *Stony Brook* ten miles towards *Salem*, to *Wilmington*, and shall be allowed and accepted by the Committee aforesaid, then the said Corporation shall be authorized to erect a gate in some part thereof, in such manner and place as shall be necessary and convenient, and shall be authorized to receive from each traveller or passenger the rate of toll established by the first section of this Act.

Corporation
allowed to hold
land, paying
damages

SECT. 3. *And be it further enacted*, That said Corporation may purchase and hold land over which they may make said road; and said Corporation shall be holden to pay all damages which

which shall arise to any person by taking his land for such road, damages for where it cannot be obtained by voluntary agreement, to be estimated by a Committee appointed by the Court of General Sessions of the Peace in the county wherein said damage shall arise, saving to either party a right of trial by Jury, according to the law making provision for the recovery of damages happening by laying out public highways; and if said Jury shall increase the damages estimated by such Committee, the said Corporation shall be holden to pay the costs of such trial by Jury.

SECT. 4. *And be it further enacted,* That if said Corporation, or their toll-gatherer, or others in their employ, shall unreasonably delay or hinder any traveller or passenger at either of said gates, or shall demand or receive more toll than is by this Act established, the said Corporation shall forfeit and pay a sum not exceeding *ten dollars* nor less than *two dollars*, to be recovered before any Justice of the Peace for the county where the offence shall be committed, by the person injured, delayed or defrauded, in a special action of the case; the writ in which shall be served on said Corporation, by leaving an attested copy thereof with the Treasurer, or with some individual member, seven days at least before the trial; and the Treasurer of said Corporation, or individual, shall be allowed to defend the same suit in behalf of said Corporation: And said Corporation shall be liable to pay all damages that shall happen to any person from whom the toll is demandable, for any damage which shall arise from defect of bridges, or want of repairs in said way; and shall also be liable to presentment by the Grand Jury for not keeping the same in good repair.

SECT. 5. *And be it further enacted,* That if any person shall cut, break down, or otherwise injure or destroy either of said turnpike gates or toll-houses, or shall dig up or carry away any earth from said road, or in any manner damage the same, or shall forcibly pass, or attempt to pass the said gates by force, without having first paid the legal toll at such gate, and if any person with his team, cattle, or horse, shall turn out of said road to pass any of the turnpike gates, and again enter on said road, with intent to evade paying the toll due by virtue of this Act, such person shall forfeit and pay the sum of *two dollars*, to be recovered by the Treasurer of said Corporation, to the use of the same, in an action of debt: *Provided,* That nothing in this Act shall extend to entitle said Corporation to demand or receive from any person any toll, who shall be passing with his horse or carriage to or from public worship, or with his horse, team or cattle, to or from his common labour on his farm, or to or from any grist-mill, on the common and ordinary business of his family concerns, or from any persons passing on military duty.

SECT.

Shares to be considered personal estate; mode of transfer & attachment prescribed.

SECT. 6. *And be it further enacted,* That the shares in said turnpike road shall be taken, deemed and considered to be personal estate to all intents and purposes, and shall and may be transferable; and the mode of transferring said shares shall be by deed, acknowledged before any Justice of the Peace, and recorded by the Clerk of said Corporation in a book for that purpose to be provided and kept: And when any share shall be attached on *mesne process*, or taken in execution, an attested copy of such writ of attachment or execution shall, at the same time of the attachment or taking in execution, be left with the Clerk of the Corporation, otherwise the attachment or taking in execution shall be void; and shares may be sold on execution in the same manner as personal property; the officer making the sale, or the judgment creditor, leaving a copy of the execution, and the officer's return thereon, with the Clerk of said Corporation, within fourteen days after such sale, and paying for the recording the same, shall be deemed and considered as a sufficient transfer of such share or shares in said turnpike road.

Statements of receipts & expenses to be exhibited.

SECT. 7. *And be it further enacted,* That the said Corporation shall, within six months after their toll shall commence, at either of said gates, lodge in the Secretary's office an account of all expenses incurred in making said road and bridges, previous to the taking toll at such gate; and within twelve months after said turnpike road and bridges shall be completed, lodge in said office an account of the expenses of the whole of said road and bridges; and that the said Corporation shall annually exhibit to the Governor and Council, a true account of the income or dividend arising from said toll, with their necessary annual disbursements on said road and bridges; and that the books of said Corporation shall at all times be subject to the inspection of a Committee to be appointed by the General Court, or to the inspection of the Governor and Council when called for.

Shares of delinquents may be sold.

SECT. 8. *And be it further enacted,* That whenever any Proprietor shall neglect or refuse to pay any tax or assessment, duly voted and agreed upon by said Corporation, to their Treasurer; within thirty days after the time set for the payment thereof, the Treasurer of said Corporation is hereby authorized to sell at public vendue, the share or shares of such delinquent Proprietor, one or more, as shall be sufficient to defray said taxes and necessary incidental charges, after duly notifying in one newspaper printed in *Salem*, the sum due on such share or shares, and the time and place of sale; and such sale shall be a sufficient transfer of the share or shares sold, to the person purchasing the same; and on producing a certificate of such sale from the Treasurer to the Clerk of said Corporation, the name of such purchaser, with the number of shares sold, shall be by the Clerk

Clerk entered on the books of the said Corporation, and such person shall be considered to all intents and purposes the Proprietor thereof; and the overplus, if any there be, shall be paid on demand, by the Treasurer, to the person whose share or shares were sold.

SECT. 9. *And be it further enacted*, That the said Corporation shall, at all places where the said toll shall be collected, erect and constantly keep exposed to view, a sign or board, with the rates of toll of all the tollable articles fairly and legibly written thereon in large or capital letters.

Sign-board to be erected.

SECT. 10. *And be it further enacted*, That the said Corporation is hereby allowed to grant monies to such persons as rendered services to the Proprietors in exploring the route of said turnpike road, or otherwise, previous to the Act of incorporation: And the said Corporation is hereby authorized to purchase and hold other real estate, adjacent to, and for the accommodation of said road, to the amount of *fifteen thousand dollars*.

Money may be granted to certain persons.

SECT. 11. *And be it further enacted*, That every Proprietor in said turnpike road, or his agent duly authorized in writing, shall have a right to vote in all meetings of the said Corporation, and be entitled to as many votes as the Proprietor has shares in the same, *provided* his number of shares do not exceed ten; but no Proprietor shall be entitled to more than ten votes for any greater number of shares he may possess.

Number of votes restricted.

SECT. 12. *And be it further enacted*, That the General Court may dissolve said Corporation, whenever it shall appear to their satisfaction, that the income arising from said toll shall have fully compensated the said Corporation for all monies they may have expended in purchasing, repairing and taking care of said road, together with an interest thereon at the rate of *twelve per cent.* by the year; and thereupon the property of the said road shall be vested in this Commonwealth, and be at their disposal.

Corporation to be dissolved when the members are indemnified.

SECT. 13. *And be it further enacted*, That the said Benjamin Pickman, Edward A. Holyoke, John Derby, Elias Hasket Derby, Nathaniel West, Simon Forrester, Clifford Crowninshield, John Jenks, and William Prescott, or any three of them, may, by an advertisement in the *Salem Gazette*, or one of the papers printed in *Boston*, call a meeting of the said Proprietors, to be holden at any suitable time and place, after fifteen days from the publication of said advertisement; and the said Proprietors, by vote of those present or represented at said meeting, (in all cases accounting and allowing a vote as is provided in the eleventh section of this Act,) shall choose a Clerk, who shall be sworn to the faithful discharge of his duty, and shall also agree on a method for calling future meetings; and at the same or at any subsequent meeting, may make and establish any rules and regulations

Persons authorized to call the first meeting.

Rules and regulations to be established.

ulations for the government of said Corporation, and for effecting and completing the purposes aforesaid; and such rules and regulations may cause to be kept and executed, or for the breach thereof may order and enjoin fines and penalties, not exceeding *thirteen dollars and thirty-three cents*, provided such rules and regulations are not repugnant to the Constitution and laws of this Commonwealth: And the said Proprietors may also appoint any other officer or officers of the Corporation that they may deem necessary; and all representations at any meetings shall be proved in writing, signed by the person making the same, which shall be filed with and recorded by the Clerk; and this Act, and all rules, regulations and votes of said Company, shall be fairly and truly recorded by the said Clerk, in a book or books for that purpose to be provided and kept.

Times within which the road must be completed.

SECT. 14. *And be it further enacted*, That if said Proprietors shall neglect or refuse, for the space of five years after the passing of this Act, to make the said turnpike road and bridges, from *Siony Brook*, ten miles towards *Salem*, to *Wilmington*, then this Act shall be void and of no effect; and if said Proprietors shall neglect or refuse to make said turnpike road and bridges, from said *Wilmington* to *Salem*, for the space of eight years from the passing of this Act, then they shall have no right or authority by virtue of this Act, to make the residue of said road, (from said *Wilmington* to *Salem*,) nor to erect another toll gate.

[This Act passed March 9, 1804.]

An ACT making Provision for the Payment of Costs in laying out Turnpike Roads.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That whenever a Committee or Jury shall be appointed by the Court of General Sessions of the Peace for the purpose of estimating whether sufficient or insufficient damages have been allowed in laying out a turnpike road, the Turnpike Corporation being a party, shall be liable to costs in those cases, in like manner as counties are liable in laying out county roads.

[This Act passed March 9, 1804.]

An ACT to incorporate *Nathaniel Goodwin*, and others, by the Name of *The Plymouth Marine Insurance Company*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Nathaniel Goodwin, Joseph Bartlett, Nathan Hayward,*

Hayward, and all other their associates, being citizens of the *United States*, who have or shall become Stockholders in a capital stock to be paid and employed in the manner and for the purposes hereinafter mentioned, shall be, and they hereby are incorporated; and they and their successors and assigns shall be and continue, not exceeding the term of twenty years from and after the passing of this Act, a Body Politic and Corporate, by the name of *The Plymouth Marine Insurance Company*; and by that name the said Stockholders may sue and be sued, implead and be impleaded, and shall and may appear, prosecute and defend, in all actions and suits for or against them, until final judgment, execution and satisfaction; and they shall have a common seal, which they may make, alter and renew at their pleasure; and shall be capable in law to take by purchase or otherwise, and to hold and convey real estate: *Provided*, That the whole real estate which the said Company shall at any one time hold or possess, in their corporate capacity, shall not exceed *four thousand dollars* in value.

Amount of real estate allowed to be held.

SECT. 2. *And be it further enacted*, That the capital stock of the said Company, including their real estate, and exclusive of their accruing profits, premiums and dividends, shall be *one hundred thousand dollars*, and shall be divided into one thousand shares, of which *fifty dollars* on each share shall be paid within thirty days after the first meeting of the said Company; and the remainder of each share shall be paid within twelve months after the said first meeting of said Company, at such instalments and under such penalties for any failure therein as the said Company shall direct: *Provided*, That in the event of any loss or losses from the part which shall be first paid of the said capital stock, every Stockholder shall be liable for the remainder of his share and shares to be demanded, and after ten days public notice thereof, to be sued for and recovered against him by the Company to the uses of this institution: *And provided*, That no transfer of any share or shares in the said capital stock shall be permitted, or shall be valid, until the instalments thereof shall be fully paid as aforesaid.

Amount of capital.

SECT. 3. *And be it further enacted*, That the said Company shall have their first meeting on the first Monday of *July* next, at such hour and place in *Plymouth* aforesaid as the said *Nathaniel Goodwin*, *Joseph Bartlett*, and *Nathaniel Hayward*, or any one of them shall appoint, and of which they shall give twenty days previous notice by advertizing the same in two newspapers printed in *Boston*: And at the said first meeting, or some adjournment thereof, the said Company, or those of them who shall be then and there assembled, shall agree and determine by what instalments, conformably to the terms herein before limited, and under what penalties for any failure therein, the shares

First meeting.

Payment of instalments to be determined, &c. Directors chosen.

of

Directors of
other Compa-
nies not eligible
in this.

of said capital stock shall be paid: And shall elect by ballot seven Directors, who, being sworn to the faithful discharge of their trust before some Justice of the Peace for the county of *Plymouth*, shall continue in office until the first Monday in *May* then next, and afterwards on the like day annually, during the continuance of this incorporation, the said Company shall be convened in such manner as they shall direct: And at such annual meeting seven Directors shall be elected in the like manner as aforesaid, and being sworn as aforesaid, shall continue in office for one year then next ensuing, and until others shall be chosen and sworn in their place: *Provided*, That no person shall be capable of being elected, or of continuing a Director in the said Company, who is not a Stockholder therein, or who is a Director in any other Insurance Company.

The Directors
are to choose a
President.

SECT. 4. *And be it further enacted*, That the seven Directors who shall be first elected as aforesaid, and their successors afterwards annually, or the majority of them, shall, as soon as may be after every election, convene at the place of the meeting of the said Company, or as near thereto as may be, and shall choose one of their number to be President: And in any vacancy of the President or other Director, a meeting of the Stockholders shall be called for an appointment of a Director, and by a like election or elections as aforesaid, such vacancy shall be supplied until the next ensuing annual election.

Stockholders
to be convened.

SECT. 5. *And be it further enacted*, That the Stockholders may be convened by the President, or by a majority of the Directors, whenever he or they shall think fit; and it shall be the duty of the President and of the other Directors to call a meeting of the Stockholders whenever seven Stockholders other than the Directors shall require it: Meetings of the Stockholders may be notified by advertizing the same as provided in the third section of this Act, or in such other manner as the Stockholders shall prescribe: At every meeting of the Stockholders, the President of the Directors, and in case of his absence, one of the Stockholders chosen for that purpose shall preside; and the Secretary shall record the proceedings of such meeting: Elections and other questions shall be determined by a majority of votes, reckoning one vote to each share, *provided* no Stockholder shall have more than ten votes: *And provided*, That in the election of Directors, Stockholders not present may vote by proxy, under such regulations as the Directors shall prescribe.

Payment of
instalments, &
how the capi-
tal is to be in-
vested,

SECT. 6. *And be it further enacted*, That the first and other instalments of the shares aforesaid in the said capital stock, shall be paid to the President and Directors, or at such place as they shall prescribe and notify; and it shall be the duty of the said President and Directors to invest, within six months after payment of each instalment, the whole amount of their receipt

receipt for the capital stock of the said Company, either in the funded debt of the *United States* or of this Commonwealth, or in the stock of the Bank of the *United States* or of some incorporated bank within this Commonwealth, at their discretion.

SECT. 7. *And be it further enacted*, That after the sum of *fifty thousand dollars* shall be paid and received as aforesaid, upon the capital stock of the said Company, and not before, the President and Directors of the said Company shall have authority, in the behalf and for the account of the said Company, to engage and undertake marine insurance of every kind, more especially insurance upon vessels, their lading and freight, and against their captivity, and upon the life of any person during his absence by sea, and upon *bottomry* and *respondentia* bonds and contracts: *Provided*, That the said Company or their Directors shall not directly or indirectly deal or trade in buying or selling any goods, wares, merchandize, or commodities whatsoever.

What may be insured.

SECT. 8. *And be it further enacted*, That the President and Directors of said Company shall manage the stock and property, and conduct the affairs, undertakings and concerns of said Company, conformably to the purposes of their association, and the authorities and privileges hereby granted them: The President and Directors shall hold stated meetings once at the least in every month, and shall be convened by the President or by any two Directors, whenever they shall think fit: Any four of the Directors shall be a quorum for the transaction of business: All questions before them shall be decided by a majority of the votes present: They shall have power to establish annually a reasonable salary for their President, to appoint and employ a Secretary, a Clerk, and such other agents and servants as they shall find necessary, and to grant them reasonable salaries and compensations; they shall have authority to make and prescribe reasonable by-laws and regulations for the government of their officers, agents and servants, and respecting the meetings of the Stockholders and of the Directors, and the mode of establishing proxies, and of voting in such meetings respectively, and respecting the transfer of shares, the transaction of the ordinary business of the Company, and the disposition and management of their estate, stock and effects: *Provided*, That such by-laws and regulations shall not be repugnant to the Constitution and laws of this Commonwealth.

Meetings of Directors.

Secretary and Clerk to be appointed, and rules established.

SECT. 9. *And be it further enacted*, That the President and two Directors, to be appointed in rotation by the President, shall be a Committee to convene daily for the transaction of business, and shall, during the pleasure of the Directors, have authority to make contracts of insurance; and all policies of marine insurance which shall be subscribed by the

President and two Directors to meet daily.

President,

President, or in any vacancy of that office, or in the case of his sickness, disability, or absence, by any four Directors, and countersigned by their Secretary or Clerk, shall be valid and effectual against the said Company; and every adjustment or settlement which shall be made by the President and Directors of losses and claims arising under such policies, shall be conclusive against the said Company.

Case of loss affecting the capital.

SECT. 10. *And be it further enacted*, That in the event of any loss or losses from the capital stock of said Company, and equal to the amount which shall be at the time actually paid and received as aforesaid, the President and Directors of the said Company, who after notice of such loss or losses, shall undertake for the said Company in any policy of insurance, shall be liable, jointly and severally in their own persons and estates, for the deficiency of the said capital stock, to discharge the loss or losses, if any shall arise thereon.

Semi-annual dividends to be made.

SECT. 11. *And be it further enacted*, That the President and Directors of the said Company, on the last Monday in *April* next, and afterwards half yearly, on the last Monday of *April* and *October* in every year, shall divide at an equal rate to each share in said capital stock, so much of the interest and nett profits which shall have accrued thereon, other than monies and demands paid or payable upon risks outstanding and undetermined, as to them shall appear reasonable; and such dividends shall be declared, and shall be payable at the office of the Company: *Provided*, That no dividend shall be made after any diminution of the said capital stock, until the same shall have been, from the said accruing profits or otherwise, re-established at the original amount.

Triennial statements to be made.

SECT. 12. *And be it further enacted*, That once in every three years at least, and whenever a majority of Stockholders shall require it, the Directors for the time being shall lay before the Stockholders, at their annual meeting, or at an especial meeting to be called for that purpose, a particular statement of the affairs of the Company, and of their estate and effects, and of the remaining profits, if any, which shall have accrued on their capital stock, with the losses and dividends on hand, if any, chargeable against the same.

Shares liable to attachment, and the manner prescribed.

SECT. 13. *And be it further enacted*, That the shares and property of every Stockholder in the said capital stock, shall be liable for his just debts, and may be attached therefor and levied in execution, at the suit or for the satisfaction of his creditors; and the officer making such attachment, or levying such execution, shall notify the same to the President, or to the Secretary or Clerk of said Company, and shall leave a copy of the process whereby the attachment or levy shall be made, at the office of the Company; and no transfer of such debtor's

debtor's shares or property in the said capital stock, not before noted in the books of the said Company, shall be valid or effectual against such attachment or levy; and it shall be the duty of the said President, Secretary or Clerk, to cause the officer making such attachment or levy, to be furnished, if he require it, with a certificate of the number of shares such debtor holds in the said capital stock, and of the dividends, if any, due thereon; and such shares and property, when taken by virtue of an execution, or so much thereof as shall be requisite to satisfy the demands of the creditor therein, and all fees, shall be exposed to sale as other personal property; and the purchaser who shall become entitled thereto under such execution, shall succeed to such debtor as his lawful assignee, and shall have a certificate of such transfer accordingly from the Clerk of the said Company.

SECT. 14. *And be it further enacted*, That the President and Directors of the said Company, previous to their subscribing in any policy of insurance, and once in every year afterwards, shall publish in some newspaper printed in *Boston*, the amount of their capital stock, and upon what risks, and to what amount in any one risk they propose to insure: *Provided nevertheless*, the said President and Directors shall not be allowed to insure on any one risk, a larger sum than *ten per centum* of the amount of the capital stock of said Corporation actually paid in.

Amount of stock, &c. to be published.

SECT. 15. *And be it further enacted*, That the President and Directors of the said Company, whenever it shall be required by the Legislature of this Commonwealth, shall lay before them a true statement of the affairs of the said Company, and shall submit themselves to an examination under oath concerning the same.

Statement to be made to the Legislature.

[This Act passed *March 9, 1804.*]

An ACT for the Preservation, and to regulate the taking of the Fish called Shad and Alewives, in the Stream called *Miles River*, in *Wenham*, *Hamilton* and *Ipswich*, in the County of *Essex*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the several towns of *Wenham*, *Hamilton* and *Ipswich*, shall, at their annual meeting for the choice of officers, respectively choose annually a Committee of three persons in each town, whose duty it shall be, in the months of *March* or *April* annually, to sell at public vendue the privilege of taking said fish, in such places and in such manner as the majority of said Committee shall agree upon, in said town of

Committee to be appointed who are to sell the privilege of fishing.

of *Wenham*, *Hamilton* and *Ipswich*, in said *Miles River*, on Mondays, Wednesdays and Fridays in each week, for so long a time in each year as said Committee shall agree upon: And said Committee, before they enter on the execution of their office, shall be sworn to the faithful and impartial discharge of their duty, in the same manner as other town officers are; and the nett proceeds of said sale shall be equally divided between the said three towns.

How Committee's meetings are to be called. SECT. 2. *Be it further enacted*, That the Committee of the town of *Wenham* the first year, the Committee of the town of *Hamilton* the second year, and the Committee of the town of *Ipswich* the third year, and so on in rotation forever hereafter, shall notify the Town-Clerks of the other towns concerned in said fishing, of the time and place in which said Committee shall meet, said notice to be served ten days at least before the time of meeting; at which and all subsequent meetings the majority present shall have the authority of the whole Committees; and said Committee shall give due notice in each of said towns, of the time and place of the sale of said right of catching said fish, and at the vendue shall publish the conditions in writing, expressing the manner of taking as well as the length of time in each year.

Penalty for illegally taking the fish. SECT. 3. *Be it further enacted*, That all persons except the purchaser or purchasers, or those employed by them, who shall take any of said fish in said *Miles River*, to the margin of *Wenham Pond*, shall pay a sum not exceeding *thirteen* nor less than *five dollars* for each offence.

— for neglecting to choose Committee, &c. SECT. 4. *Be it further enacted*, That if either of said towns shall neglect to choose their proportion of said Committee, as is required by this Act, or if such Committee, when chosen, whose duty it shall be to notify the Clerks of the other towns of the proposed time for the whole Committee to meet as aforesaid, shall neglect to give such notice as aforesaid, the town so neglecting, or whose Committee shall so neglect, shall forfeit all right to fishing in said river for the current year.

Sluice-ways to be opened. SECT. 5. *Be it further enacted*, That the owner or occupier of any dam on said river, shall annually, betwixt the tenth day of *April* and the tenth day of *June* following, for such term, and in such manner as said Committees shall direct, open a sufficient sluice-way or passage for said fish; and the owner or occupier of such dam, who shall neglect, after proper notice from said Committee, to open or continue open as aforesaid, a sluice-way, shall forfeit and pay a sum not exceeding *one hundred dollars* nor less than *fifty dollars*; and if any person shall make any wear or other obstruction to the passage of said fish, or shall make use of any seine in said river, (except such as shall be allowed by said Committee to any purchaser of the right of taking

taking fish in said river,) the person so offending shall forfeit and pay the sum of *thirteen dollars*.

SECT. 6. *Be it further enacted*, That each of the Treasurers of the aforesaid towns for the time being, are hereby authorized, upon the complaint of any of the Committee aforesaid, to sue for any forfeitures incurred by the breach of any of the regulations provided in this Act, and also for the breach of such further regulations as may from time to time be provided by the Committee aforesaid; and all sums and forfeitures recovered for any breaches aforesaid shall, with the proceeds of said fishing, be equally divided between the aforesaid towns; and the said Treasurers, or either of them, recover the said penalties, or any of them, in an action of the case, before any Court proper to try the same.

Treasurers to prosecute for breaches of the Act.

SECT. 7. *Be it further enacted*, That the purchaser or purchasers of the right of taking said fish, shall at all times deliver to the poor of the several towns aforesaid, such number of fish taken as aforesaid, gratis, as the aforesaid Committee shall order and direct, and shall in all respects conform to such regulations as said Committee shall publish in their conditions of sale; and for each offence in breaking said regulations, shall forfeit and pay a sum not more than *fifty dollars* nor less than *twenty dollars*.

The poor to be supplied.

SECT. 8. *Be it further enacted*, That the Committees chosen as aforesaid, or either of them, or any person employed by them, shall have authority, for the purposes aforesaid, to go on land or meadow of any person through which such river or passage-way passes, without being considered trespassers; and any person who shall molest or hinder said Committee, or any of them, or any person employed by them in the execution of their duty, shall be subject to the same penalties as by this Act is incurred for placing obstructions on said river.

The Committee men, &c. not to be deemed trespassers.

SECT. 9. *And be it further enacted*, That every part and clause of the several laws and Acts made for regulating the taking of shad and alewives in *Isiswich River* and the branches thereof, and for preserving the same, shall cease to operate or have any effect on *Miles River* and *Wenham Pond* aforesaid.

Former laws not to extend to Miles River, &c.

[This Act passed *March 9, 1804.*]

An ACT to incorporate *Tobias Lord*, and others, by the Name of *The Kennebunk Marine Insurance Company*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Tobias Lord, Eliphalet Perkins, Robert Town,*

Names of persons incorporated.
John

John Low, and Nabum Morrell, and all others their associates, being citizens of the United States, who have or shall become Stockholders in a capital stock, to be paid and employed in the manner and for the purposes hereinafter mentioned, shall be, and they hereby are incorporated; and they and their successors and assigns shall be and continue, not exceeding the term of twenty years from and after the passing of this Act, a Body Politic and Corporate by the name of The Kennebunk Marine Insurance Company; and by that name the said Stockholders may sue and be sued, plead and be impleaded, and shall and may appear, prosecute and defend in all actions and suits for or against them, until final judgment, execution and satisfaction; and they may have a common seal, which they may alter and renew at their pleasure; and shall be capable in law to take, by purchase or otherwise, and to hold and convey real estate: Provided, That the whole real estate which the said Company shall at any one time hold or possess, in their corporate capacity, shall not exceed twenty thousand dollars in value.

Amount of real estate allowed to be held.

SECT. 2. *And be it further enacted, That the capital stock of said Company, including their real estate, and exclusive of their accruing profits, premiums and dividends, shall be one hundred thousand dollars, and shall be divided into one thousand shares, of which fifty dollars on each share shall be paid within thirty days after the first meeting of said Company, and the remainder within two years after, at such instalments and under such penalties for any failure therein as the Directors of said Corporation shall prescribe; and if the said number of shares are not already filled, subscriptions shall be kept open under the inspection of the President and Directors of said Company, until the same shall be filled: Provided, That in the event of any loss or losses from that part which shall have been first paid of the capital stock, every Stockholder shall be liable for the remainder of his share and shares, to be demanded, and after ten days public notice thereof, to be sued for and recovered against him by the said Company, to the use of this institution: And provided, That no transfer of any share or shares in said capital stock shall be permitted, or be valid, until the instalments thereof shall be fully paid.*

Amount of capital.

SECT. 3. *And be it further enacted, That the said Company shall have their first meeting on or before the first Monday of July next, at such hour and place in the second parish in Wells, in the county of York, as the said Tobias Lord, Eliphalet Perkins, Robert Town, John Low, and Nabum Morrell, or any three of them, shall appoint, and of which they shall give fourteen days previous notice, by an advertisement in the newspaper printed in Wells, or by posting up the same in some public places in the towns of Wells and Arundell: And at the said first meeting, or some adjournment thereof, the said Company,*

or

or those of them who shall be then and there assembled, shall agree and determine by what instalments, and under what penalties for any failure therein, the shares of said capital stock shall be paid; and shall elect by ballot twelve Directors, who, being sworn to the faithful discharge of their trust before some Justice of the Peace for the County of *York*, shall continue in office until the first Monday of *January* next, and until another election of Directors; and on the said Monday of *January* next, and afterwards on the like day annually, during the continuance of this Corporation, the said Company shall be convened in said second parish in *Wells*, in such manner as they shall direct; and at such annual meeting, or at an adjournment thereof, twelve Directors shall be elected in the like manner as aforesaid, and being sworn as aforesaid shall continue in office for the year then next ensuing, and until others shall be chosen and sworn in their place: *Provided*, That no person shall be eligible as a Director in said Company who is not a Stockholder therein, or who is a Director in any other Marine Insurance Company.

Payment of instalments to be determined. &c
Directors chosen.

Directors of other Companies not eligible in this.

SECT. 4. *And be it further enacted*, That the twelve Directors who shall be first elected as aforesaid, and their successors in office, afterwards, annually, or a majority of them, shall, as soon as may be after every election, convene in said second parish in *Wells*, and shall choose one of their number to be President; and in any vacancy of the President or other Director, a meeting of the Stockholders shall be called for the choice of a Director, and by election as aforesaid the vacancy shall be filled until the next ensuing annual election.

The Directors are to choose a President.

SECT. 5. *And be it further enacted*, That the Stockholders may be convened by the President, or by a majority of the Directors, whenever he or they shall think fit; and it shall be the duty of the President and of the other Directors, to call a meeting of the Stockholders whenever seven Stockholders, other than the Directors, shall require it; the meetings of the Stockholders may be notified by an advertisement in any newspaper printed in *Wells*, ten days at least previous thereto, or in such other manner as the Stockholders may prescribe; at every meeting of the Stockholders the President, and in case of his absence one of the Stockholders chosen for that purpose, shall preside, and the Secretary shall record the proceedings of such meeting: Elections and other questions shall be determined by a majority of votes, reckoning one vote to each share: *Provided*, That no Stockholder shall have more than ten votes: *And provided also*, That Stockholders who are absent may vote by proxy, under such regulations as the Directors shall prescribe.

Stockholders to be convened.

SECT. 6. *And be it further enacted*, That the first and other instalments of the shares in the said capital stock, shall be paid to

Payment of instalments, &c
how the capital is

is to be invested.

to the said President and Directors at such place as they shall order and notify; and it shall be the duty of said President and Directors to vest, within six months after payment of each instalment, the said receipts, either in the funded debt of the *United States* or of this Commonwealth, or in the stock of the Bank of the *United States*, or some incorporated bank within this Commonwealth, or in all of them, at their discretion, saving what shall be vested in real estate as aforesaid.

What may be insured.

SECT. 7. *And be it further enacted*, That after the sum of fifty thousand dollars shall be paid and received as aforesaid upon the capital stock of said Company, the President and Directors of said Company shall have authority, in the behalf and for the account of said Company, to engage and undertake marine insurances of every kind, more especially insurances upon vessels, freights, money, goods and effects, and against the captivity and upon the life of any person during his absence at sea, and upon *bottomry* and *respondentia* bonds and contracts: *Provided* the said Company or their Directors shall not directly or indirectly deal or trade in buying or selling any goods, wares or merchandize whatsoever.

Meetings of Directors.

SECT. 8. *And be it further enacted*, That the President and Directors of said Company shall manage the stock and property, and conduct the affairs, undertakings and concerns of said Company, conformably to the purposes of their association, and the authority and privileges thereby granted them: The said President and Directors shall hold stated meetings once at least in every month, and shall be convened by the President, or by any two Directors, whenever they shall think fit; and seven of the Directors shall be a quorum for the transaction of business; and questions before them shall be decided by a majority of votes present; they shall have power to establish annually a reasonable salary for their President, to appoint and employ a Secretary, Clerks, and such agents and servants as they may find necessary, and to grant them reasonable salaries and compensations; they shall have power to make and prescribe reasonable by-laws and regulations for the government of their officers, agents and servants, and respecting the meetings of the Stockholders and of the Directors, and the mode of establishing proxies, and of voting in such meetings respectively, respecting the transfer of shares, and all other by-laws, rules and regulations as to them shall appear proper and needful, touching the management and disposition of the stock, property, estate and effects of said Company: *Provided*, That such by-laws and regulations shall not be repugnant to the Constitution and laws of this Commonwealth.

Secretary and Clerk to be appointed, and rules established.

President and two Directors to meet daily.

SECT. 9. *And be it further enacted*, That the President and two other Directors, to be appointed in rotation by the President, shall be a Committee to convene daily, if need be, for the

the transaction of business, and shall, during the pleasure of the Directors, have authority to make contracts of insurance; and all policies of marine insurance which shall be subscribed by the President, or in any vacancy of that office, or in case of his sickness, disability or absence, by any two Directors, and countersigned by their Secretary, shall be valid and effectual against the said Company; and every adjustment or settlement which shall be made by the President and Directors of losses and claims arising under such policies, shall be conclusive against the said Company, agreeably to law.

SECT. 10. *And be it further enacted,* That in the event of any loss or losses from the capital stock of said Company, and equal to the amount which shall be at the time actually paid and received as aforesaid, the President and Directors of the said Company, who after notice of such loss or losses shall undertake for said Company in any other policy of insurance, shall be liable, jointly and severally, in their own persons and estates, for the deficiency of the said capital stock, to discharge the loss or losses, if any, which shall arise thereon.

Case of loss affecting the capital.

SECT. 11. *And be it further enacted,* That the President and Directors of the said Company, on the second Monday of *December* next, and afterwards half yearly, on the second Monday of *June* and *December* in every year, shall and may divide at equal rate to each share in said capital stock, so much of the interest and net profits which shall have accrued thereon, other than monies and demands paid or payable upon risks outstanding and undetermined, as to them shall appear prudent and reasonable; and such dividend shall be declared, and shall be payable at the office of the said Company: *Provided,* That no dividend shall be made after any diminution of said capital stock, until the same shall have been from the said accruing profits, or otherwise, re-established at the original amount.

Semi-annual dividends to be made.

SECT. 12. *And be it further enacted,* That once in every three years at least, and whenever a majority of the Stockholders shall require it, the Directors for the time being shall lay before the Stockholders at their annual meeting, or at a special meeting to be called for that purpose, a particular statement of the affairs of the Company, of their estate and effects, and of the remaining profits, if any, which shall have accrued on their capital stock, with the losses and dividends on hand, if any, chargeable against the same.

Triennial statements to be made.

SECT. 13. *And be it further enacted,* That the shares and property of every Stockholder in the said capital stock shall be liable for his just debts, and may be attached therefor and levied in execution, at the suit or for the satisfaction of his creditors; and the officer making such attachment, or levying such execution, shall notify the same to the President or to the Secretary of said Company, and shall leave a copy of the process, whereby

Shares liable to attachment, and the manner prescribed.

whereby the attachment or levy shall be made, at the office of said Company; and no transfer of such debtor's shares or property in said capital stock, not before noted in the books of the said Company, shall be valid or effectual against such attachment or levy: And it shall be the duty of the said President or Secretary to cause the officer making such attachment or levy, to be furnished, if he require it, with a certificate of the number of shares such debtor holds in said capital stock, and of the dividends, if any, due thereon; and such shares and property, when taken by virtue of an execution, or so much thereof as shall be requisite to satisfy the demands of the creditor therein and all fees, shall be exposed to sale as other personal estate; and the purchaser who shall become entitled under such execution, shall succeed to such debtor as his lawful assignee, and shall have a certificate of such transfer accordingly from the Secretary of said Company.

Amount of
stock, &c. to be
published.

SECT. 14. *And be it further enacted*, That the President and Directors of said Company, previous to subscribing any policy of insurance, and once in every year afterwards, shall publish in the newspaper printed in *Wells*, or by having continually posted up in the office of said Company, the amount of their capital stock, and upon what risks, and to what amount in any one risk they propose to insure: *Provided nevertheless*, That the said President and Directors shall not be allowed to insure on any one risk a larger sum than *ten per centum* of the amount of the capital stock of said Company actually paid in.

Statement to
be made to
the Legislature.

SECT. 15. *And be it further enacted*, That the President and Directors of said Company, whenever it shall be required by the Legislature of this Commonwealth, shall lay before them a true statement of the affairs of the said Company, and submit themselves to an examination, under oath, concerning the same.

[This Act passed *March 9, 1804.*]

An ACT to incorporate a Number of the Inhabitants of *Bridgewater*, in the County of *Plymouth*, and of *Easton*, in the County of *Bristol*, into a distinct Religious Society, by the Name of *The First Baptist Society in Bridgewater.*

Names of persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Daniel Lotthrop, George Howard, James Perkins, Jesse Howard, Nehemiah Howard, Daniel Snow, Barnabas Dunbar, Zephaniah Lotthrop, James Howard, jun. Josiah Lotthrop, jun. Mark Lotthrop, Benjamin Alger, Jonathan Lotthrop, Israel Alger, Joseph Alger, Calvin Howard, Barnabas Howard, Nehemiah*

Nehemiah Howard, Isaac Hartwell, Willis Alger, Nathan Alger, Alpheus Leach, Nathan Alger, 2d. Jesse Howard, jun. Lloyd Howard, Ebenezer Alger, Cyrus Snow, Nathan Harvey, Oliver Harvey, Daniel Alger, Job Randall, William Basset, Byram Harvey, Rufus Perkins, Thomas Leach, Barnum Hill, Silas Andrews, Nathaniel Ames, and Ephraim Willis, members of a religious Society, together with their polls and estates, be, and they are hereby incorporated by the name of *The First Baptist Society in Bridgewater*, with all the powers, privileges and immunities to which parishes are entitled by the Constitution and laws of this Commonwealth.

SECT. 2. *And be it further enacted,* That any person in the town of *Bridgewater*, in the county of *Plymouth*, or *Easton*, in the county of *Bristol*, who may hereafter actually become a member of, and unite in religious worship with said Baptist Society in *Bridgewater*, and shall give in his or her name to the Clerk of the town or parish to which he or she belongs, with a certificate signed by the Minister or Clerk of said Baptist Society, that he or she has actually become a member of, and united in religious worship with said Society in *Bridgewater*, fourteen days previous to the parish meeting therein, to be held in the month of *March* or *April* annually, shall, from and after giving such certificate, with his or her polls and estates, be considered as a member of said Society: *Provided however,* That such person shall be held to pay his or her proportion of all money assessed in the said parish to which he or she belonged previous to that time.

How to become a member of the Society.

SECT. 3. *And be it further enacted,* That when any member of said Baptist Society shall see cause to leave the same, and unite in religious worship with the religious Society of the parish whereof he is an inhabitant, and shall give in his or her name to the Clerk of the said Baptist Society, with a certificate signed by the Minister or Clerk of the parish or religious Society with which he or she may so unite, that he or she has actually become a member of, and united in religious worship with such other religious Society, fourteen days previous to their meeting therein, to be held in the month of *March* or *April* annually, and shall pay his or her proportion of all money assessed in said Society previous thereto, such person shall, from and after giving such certificate, with his or her polls and estate, be considered as a member of the Society to which he or she has so united: *Provided however,* That no person, by the provisions of this Act, shall be allowed to join any Society other than in the parish where he resides, unless such Society be of a different denomination.

How to leave the Society.

SECT. 4. *And be it further enacted,* That any Justice of the Peace for the county of *Plymouth*, be, and he is hereby authorized to issue a warrant, directed to some suitable person, a member

How the first meeting is to be called.

member of said Society, requiring him to notify all the members thereof, qualified to vote in parish affairs, to assemble at such convenient time and place as shall be appointed in said warrant, to choose such officers as parishes are by law empowered to choose in the month of *March* or *April* annually, and to transact all other matters and things necessary to be done in the said Society:

[This Act passed *March 9, 1804.*]

An ACT granting a Lottery for the Purpose of completing the Locks and Canals at *Amuskeag Falls*, in the State of *New-Hampshire*:

SECT. 1. *BE it enacted by the Senate and House of Representatives; in General Court assembled, and by the authority of the same,* That the sum of *ten thousand dollars* be raised by lottery, for the purpose of completing the locks and canals at *Amuskeag Falls* aforesaid; and that His Excellency the Governor be, and he hereby is authorized to appoint three suitable persons to be Managers of the said lottery, whose business it shall be, from time to time, to make and publish such scheme or schemes as shall in their opinion best promote the purposes of said lottery, and for drawing said lottery, and transacting the other business thereof.

The Governor
to appoint
Managers.

Managers to
give bonds.

SECT. 2. *And be it further enacted,* That the said Managers, to be appointed by the Governor, before they enter on the duties of their office, shall give separate bonds to the Treasurer of this Commonwealth, and his successor in the said office, each in the sum of *five thousand dollars*, with sufficient surety, each to be answerable for his own default, and to pay over the nett proceeds of each class of said lottery, within sixty days after the drawing thereof shall be completed, to the agent to be appointed by the third section of this Act; and the said Managers, before they enter upon the duties of their office, shall severally take an oath for the faithful performance of their trust.

An agent to be
appointed.

SECT. 3. *And be it further enacted,* That His Excellency the Governor be, and he hereby is authorized to appoint one agent, who shall be authorized to receive from the Managers the proceeds of the lottery, and appropriate the same solely to the completion of the locks and canals at *Amuskeag Falls* as aforesaid: And the said agent shall from time to time, when thereunto required by His Excellency the Governor, render an account of his proceedings in the premises.

Act limited.

SECT. 4. *And be it further enacted,* That this Act, as to the grant, shall continue and be in force for the term of three years, and no longer.

[This Act passed *March 9, 1804.*] -

An

An ACT in addition to an Act, entitled, "An Act to regulate the catching Salmon, Shad and Alewives, and to prevent Obstructions in *Merrimack River*, and in the other Rivers and Streams running into the same, within this Commonwealth, and for repealing several Acts heretofore made for that Purpose. March 4, 1790.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That so long as there shall be upheld and maintained any mill or mills at the mouth of *Stoney Brook*, so called, in the town of *Chelmsford*, in the county of *Middlesex*, or there shall be erected and kept any dam or dams across the said stream, for the working of such mill or mills, it shall be the duty of the owner or occupant of any such mill, to cause to be made and kept open, a sluice or passage-way for fish to pass up and down through the dam in the same part thereof, where the passage-way now is, which sluice so to be kept open, shall not be more than eighteen inches nor less than twelve inches in width, and such owner or occupant shall be holden to keep the passage-way below the dam in good repair, as the same is now constructed. Sluice-ways to be made in dams across Stoney Brook.

SECT. 2. *Be it further enacted,* That so long as the owner or occupant of such mill or mills as aforesaid, shall cause to be made and left open, a sluice or passage-way through and over such dam as aforesaid, of the form and dimensions aforesaid, for the free passage of fish up and down the said brook, such proprietor or occupant shall not be subject to any prosecution under or by virtue of the Act to which this is in addition, nor to any of the forfeitures and penalties therein contained; any law, usage or custom to the contrary notwithstanding. If the sluice-ways are kept open, the owner, &c. shall not be liable to penalties of former Act.

SECT. 3. *Be it further enacted,* That this Act shall continue and be in force for the term of three years from the passing thereof, and no longer. Act Limited.

[This Act passed March 9, 1804.]

An ACT in addition to an Act, entitled, "An Act to incorporate *Hugh M'Lellan*, and others, into a *Company* by the Name of *Maine Fire and Marine Insurance Company*." Feb. 7, 1800.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *The Maine Fire and Marine Insurance Company* in *Portland* be,

be, and they are hereby authorized to invest *thirty thousand dollars* of their capital stock in real estate; any thing in the Act to which this is an addition to the contrary notwithstanding.

[This Act passed June 14, 1804.]

Feb. 26, 1803.

An ACT to change the Name of the Town of *Fall-River*, in the County of *Bristol*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this Act, the name of the said town of *Fall River* shall cease, and the said town shall hereafter be called and known by the name of *Troy*; any law to the contrary notwithstanding: And nothing in this Act contained shall be construed to impair any rights of the said Corporation; but the inhabitants of said town shall have, enjoy and exercise all the powers, privileges and immunities, as a Corporation by the name of *Troy*, in as full and ample a manner as though the name of the said town had not been changed.

[This Act passed June 18, 1804.]

March 6, 1804.

An ACT in addition to an Act, entitled, "An Act to incorporate certain Persons for the Purpose of making a Street from *Rainsford's Lane*, in the Town of *Boston*, to the Bridge proposed to be built from, at, or near the *Town's Landing* to *Dorchester Neck*."

Preamble.

WHEREAS *William Brown*, and others, owners of lands adjacent to a line limited as the western side of the street proposed by "An Act to incorporate certain persons for the purpose of making a street from *Rainsford's Lane*, in the town of *Boston*, to the Bridge proposed to be built from, at, or near the *Town's Landing* to *Dorchester Neck*," have mutually agreed with each other, (excepting with General *Henry Jackson*), and with the Corporation created by said Act, that the space of ten feet on the westerly side of said street, excepting the land of the said *Henry Jackson*, shall forever remain unincumbered with any building, under certain exceptions: And whereas by the dissolution of said Corporation, after the completion of said street, difficulties may arise as to the enforcement of said agreement:

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That after the dissolution of said Corporation, the Selectmen of the town

town of *Boston* shall have full power and authority to enforce a compliance with the terms of said agreement, at all times forever: And if any building shall be erected within ten feet of the western side of said street, (excepting on the land belonging to *Henry Jackson, Esq.*) unless it be a fence, wall, gate, cellar-way, steps, posts or pillars, not above six feet in height, nor covered nor roofed otherwise than in the usual manner, or unless it be an open portico or porch, whose top or roof shall not be higher than the second story window-frames of any house that may be built on said adjacent lands, and which shall not project more than five feet from such house; such building or erection, not within the exceptions aforesaid, shall be considered a nuisance, and shall and may be abated and removed in the same manner as is provided by law respecting nuisances in highways.

Selectmen authorized to enforce the agreement.

[This Act passed *June 18, 1804.*]

An ACT declaring *The Proprietors of the Portsmouth Salt-Works* a Corporation within this Commonwealth.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Body Corporate and Politic in the State of *New-Hampshire*, known by the name of *The Proprietors of the Portsmouth Salt-Works*, be, and the same is hereby constituted a Body Politic and Corporate within this Commonwealth, and by that name may sue and be sued, prosecute and defend, in the same manner as other Corporate Bodies in this Commonwealth are authorized to do.

Proprietors considered a Body Corporate in Massachusetts.

SECT. 2. *Be it further enacted,* That to enable said Corporation to manufacture salt on the *Kittery* shore, they be, and hereby are authorized and empowered to take and hold, in fee simple, or any less estate, any lands or other real property within this Commonwealth, not exceeding the value of *fifty thousand dollars*, any law to the contrary notwithstanding.

Allowed to hold real estate.

[This Act passed *June 21, 1804.*]

An ACT to incorporate the Westerly Parish in the Town of *Partridgefield*, in the County of *Berkshire*, into a separate Town, by the Name of *Hinsdale*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the tract of land as described within the following boundaries, with the inhabitants thereon, be, and they

Boundaries.

they are hereby incorporated into a separate town, by the name of *Hinsdale*, viz. Beginning at a stake and stones, the north-east corner of lot No. Seventy-Five, in the north line of *Partridgefield*; thence southerly on east line of the last mentioned lot, to the north line of lot No. Sixty-Two; thence turning westward on the north line of said lot, to the north-west corner of the same; thence turning and running on the west line of said lot No. Sixty-Two, to the north line of lot No. Fifteen; thence west three rods, to the north-west corner of said lot; thence on the west line of said lot No. Fifteen, to the north line of *Partridge's Grant*, so called, or *Jesseua Jackson's farm*; thence turning eastward on said north line, to the north-east corner of said *Jackson's farm*; thence southerly on the east line of said farm, to the north line of *Lemuel Parsons's farm*; thence turning on the north line, to the north-east corner of said farm; thence southerly on the east line of said *Parsons's farm*, to the brook or river; thence running on the said river, to the road leading from the west parish of said town, to *Middlefield*; thence on said road, to the east line of the farm of *John Watson*; thence on the east line of said *Watson's farm*, to the south-east corner of lot No. One Hundred and Eighteen; thence on the east line of lots No. One Hundred and Nineteen, One Hundred and Twenty, and One Hundred and Twenty-One, to the south line of the said town of *Partridgefield*; thence on the said south line, to the south-west corner of said town; thence northerly on the west line of said *Partridgefield*, to the south-east corner of *Dalton*; thence westerly on the south line of said *Dalton*, to the south-east corner of lot No. Sixty, in said *Dalton*; thence northerly, to the north-west corner of lot No. Thirty-Two, in said *Dalton*; thence easterly in the north line of lot No. Thirty-Two and lot No. Nine, to the south-east corner of lot No. Eight, in said *Dalton*; thence northerly on the east line of said *Dalton*, to the north-west corner of lot No. Seventy-Two, in the north-east corner of *Dalton*; thence easterly in the north line of *Partridgefield*, to the bounds first mentioned: And the said town of *Hinsdale* is hereby vested with all the powers, privileges, rights and immunities to which other towns are entitled, and subject to all the duties which are required of other towns, by the Constitution and laws of this Commonwealth.

Town vested with powers, &c.

Provision for debts, taxes, & supporting paupers.

SECT. 2. And be it further enacted, That the inhabitants of the said town of *Hinsdale* shall be held to pay all arrears of taxes which have been assessed upon them, together with their proportion of all debts owed by the said town of *Partridgefield* prior to the date of this Act; and the said town of *Hinsdale* shall receive two fifth parts of the profits, rents or income arising from the public lots in the town of *Partridgefield*, (now lying in the town of *Hinsdale*), and shall pay two fifth parts towards

towards the support of *Abigail Thayer*, so long as she shall be chargeable to the town of *Partridgefield*; and all poor persons who may hereafter become a town charge, shall be supported by the towns of *Partridgefield*, *Hinsdale* or *Dalton*, in which part soever such person may have been born, or in any other way gained a legal settlement in the said towns of *Partridgefield* or *Dalton*, previous to the division of the said town.

SECT. 3. *And be it further enacted*, That all future State taxes, which may be levied on the said towns of *Partridgefield* and *Hinsdale*, previous to a new valuation, shall be assessed and paid in the proportion of two-fifths by the town of *Hinsdale*, and three-fifths by the town of *Partridgefield*; and that such part of the sum set to the town of *Dalton* in the last valuation, as the said towns of *Dalton* and *Hinsdale* shall agree upon, or as the Legislature shall hereafter order, shall be deducted from the valuation of the town of *Dalton*, and set to the town of *Hinsdale*, and the said town of *Hinsdale* shall be holden to pay in State taxes accordingly.

Proportion of
State taxes.

SECT. 4. *And be it further enacted*, That the inhabitants of the said town of *Hinsdale* shall at all times hereafter keep up and maintain, by metes and bounds, the line between the towns of *Partridgefield* and *Dalton*, as it existed before this Act was passed.

Town lines to
be kept up.

SECT. 5. *And be it further enacted*, That the inhabitants of the town of *Partridgefield*, and those that shall be set off from the same and included in the town of *Hinsdale*, shall at all times hereafter be entitled to the same privileges respecting the passing the turnpike gate which stands within the town of *Hinsdale*, and that the inhabitants of that part of the town of *Dalton*, which is now included in the town of *Hinsdale*, shall at all times hereafter be liable to the payment of toll at the said turnpike gate, in the same way as if this Act had not been made.

Provision re-
specting cer-
tain turnpike
gate.

SECT. 6. *And be it further enacted*, That any Justice of the Peace for the county of *Berkshire*, be, and he is hereby authorized, upon application therefor, to issue a warrant, directed to some suitable inhabitant of the said town of *Hinsdale*, requiring him to notify and warn the inhabitants thereof, qualified by law to vote in town affairs, to assemble at such convenient time and place as shall be expressed in said warrant, to choose such officers as towns are by law required to choose in the months of *March* or *April* annually.

First meeting
how to be call-
ed.

[This Act passed June 21, 1804.]

An

An ACT to incorporate *Josiah Barker, George Myrick,* and others, into a Company, by the Name of *The Nantucket Union Marine Insurance Company.*

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said *Josiah Barker, George Myrick,* and others, and all such persons as have already, or shall become Stockholders in said Company, being citizens of the *United States,* be, and they hereby are incorporated into a Company and Body Politic, by the name of *The Nantucket Union Marine Insurance Company,* for and during the term of twenty years after the passing of this Act; and by that name may sue or be sued, plead or be impleaded, appear, prosecute and defend to final judgment and execution, and have a common seal, which they may alter at pleasure; and may purchase, hold and convey any estate, real or personal, for the use of said Company, subject to the restrictions hereinafter mentioned.

Term of incorporation.

SECT. 2. *And be it further enacted,* That a share in the capital stock of said Company shall be *one hundred dollars,* and the number of shares shall be one thousand; and if the said number of shares are not already filled, subscriptions shall be kept open, under the inspection of the President and Directors of the said Company, until the same shall be filled; and the whole capital stock, estate or property which the said Company shall be authorized to hold, shall be *one hundred thousand dollars,* exclusive of premium notes, or profits arising from their business; of which capital stock or property not more than *ten thousand dollars* shall be invested in real estate.

SECT. 3. *And be it further enacted,* That the stock, property, affairs and concerns of the said Company shall be managed and conducted by seven Directors, one of whom shall be the President thereof, who shall hold their offices for one year, and until others shall be chosen, and no longer; which Directors shall, at the time of their election, be Stockholders, and citizens of this Commonwealth; and shall be elected on the second Monday in *January,* in each and every year, at such time of the day, and at such place in the town of *Nantucket,* as a majority of the Directors for the time being shall appoint, of which election public notice shall be given by advertizing at two of the most public places in the town of *Nantucket,* for the space of ten days immediately preceding such election; and such election shall be holden under the inspection of three Stockholders, not being Directors, to be appointed previous to every election by the Directors, and shall be made by ballot, by a majority of votes of the Stockholders present, allowing one vote to each share in the capital stock: *Provided,* no Stockholder shall be allowed more.

Number of Directors, mode of election, &c.

Number and value of shares.

more than ten votes; and the Stockholders not present may vote by proxy, under such regulations as the Company shall prescribe: And if in case of any unavoidable accident the said Directors shall not be chosen on the second Monday of *January* as aforesaid, it shall be lawful to choose them on another day, in manner herein prescribed.

SECT. 4. *And be it further enacted,* That the Directors so chosen shall meet as soon as may be after every election, and shall choose out of their number one person to be President, who shall preside until his successor shall be chosen, and shall be sworn faithfully to discharge the duties of his office; and in case of the death, resignation or inability to serve, of the President or any Director, such vacancies shall be filled, for the remainder of the year in which they shall happen, by a special election for that purpose, to be held in the same manner as is herein before directed respecting annual elections for Directors and President.

Directors to choose a President.

SECT. 5. *And be it further enacted,* That the President and three of the Directors, or four of them in his absence, shall be a Board competent to the transacting of business; and all questions before them shall be decided by a majority of votes; and they shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of said Company, and the transfer of the shares, and touching the duties and conduct of the several officers, clerks and servants employed, and the election of Directors, and all such matters as appertain to the business of insurance; and shall have power to appoint a Secretary, and so many clerks and servants for carrying on of said business, and with such salaries and allowances to them, and to the President, as to the said Board shall seem meet: *Provided,* That such by-laws, rules and regulations shall not be repugnant to the Constitution and laws of this Commonwealth.

Board for business, who are to make rules, appoint officers, &c.

SECT. 6. *And be it further enacted,* That there shall be stated meetings of the Directors at least once in every month, and as often within each month as the President and Board of Directors shall deem proper; and the President, and a Committee of three of the Directors, to be by him appointed in rotation, shall assemble daily, if need be, for the dispatch of business; and the said Board of Directors, and the Committee aforesaid, at and during the pleasure of the Board, shall have power and authority, on behalf of the Company, to make insurance upon vessels, freights, money, goods and effects, and against the captivity of persons, and on the life of any person during his absence by sea, and in cases of money lent upon *bottomry* and *respondentia*; and to fix premiums and terms of payment: And all policies of insurance by them made shall be subscribed by the President, and

Meetings of Directors.

Subscription of policies.

in

in case of his death, sickness, inability or absence, by any two of the Directors, and countersigned by the Secretary, and shall be binding and obligatory upon the said Company, and have the like effect and force as if made under the seal of said Company; and the assured may thereupon maintain an action of the case against the said Company; and all losses duly arising under any policy so subscribed, may be adjusted and settled by the President and Board of Directors, and the same shall be binding on the Company.

Semi-annual
dividends to be
made.

Case of losses
affecting capi-
tal.

SECT. 7. *And be it further enacted*, That it shall be the duty of the Directors, on the second Monday of *January* and *June* in every year, to make dividends of so much of the interest arising from their capital stock, and the profits of said Company, as to them shall appear adviseable; but the monies received, and the notes taken for premiums on risks, which shall be undetermined and outstanding at the time of making such dividends, shall not be considered as part of the profits of the Company: And in case of any loss or losses whereby the capital stock of the Company shall be lessened, each Proprietor or Stockholder's estate shall be held accountable for the deficiency that shall be due on his share or shares, at the time of said loss or losses taking place, to be paid unto the said Company by assessments, or such other mode, and at such time or times as the President and Directors shall order; and no subsequent dividend shall be made until a sum equal to such diminution shall have been added to the capital; and that once in every two years, and oftener if required by a majority of the votes of the Stockholders, the Directors shall lay before the Stockholders, at a legal meeting, an exact and particular statement of the profits, if any there be, after deducting losses and dividends.

Company not
to trade.

SECT. 8. *And be it further enacted*, That the said Company shall not directly nor indirectly deal or trade in business, buying or selling any goods, wares, or merchandize, or commodities whatever; and the capital stock of said Company, after being collected at each instalment, shall, within six months, be vested either in the funded debt of the *United States*, or of this Commonwealth, or in the stocks of the *United States' Bank*, or of any incorporated Bank of this Commonwealth, at the discretion of the President and Directors of said Company, or of other officers which the Stockholders shall for such purpose appoint.

Instalments.

SECT. 9. *And be it further enacted*, That *fifty dollars* on each share in said Company shall be paid within ninety days after the first meeting of said Company; and the remaining sum due on each share within one year after said first meeting, by such equal instalments, and under such penalties as the said Company shall direct; and no transfer of any share in said Company shall be permitted, or be valid, until all the instalments on such shares shall have been paid.

SECT.

SECT. 10. *And be it further enacted,* That no person being a Director of any other Company carrying on the business of marine insurance, shall be eligible as a Director of the Company by this Act established. Directors of other Companies not eligible in this.

SECT. 11. *And be it further enacted,* That the property of any member of said Company, vested in the stock of said Company, with the dividend or dividends due thereon, shall be liable to attachment and execution in favour of any bona fide creditor, in manner following, viz. Whenever a proper officer, having a writ of attachment or execution against any such member, shall apply with such writ or execution to the Secretary of said Company, it shall be the duty of said Secretary to expose the books of the Corporation to such officer, and furnish him with a certificate, under his hand in his official capacity, ascertaining the number of shares the said member holds in said Company, and the amount of the dividend or dividends due thereon; and when any such share or shares shall be attached on *mesne process*, or taken in execution, an attested copy of such writ of attachment or execution shall be left with the said Secretary; and such share or shares may be sold on execution, after the same notification of the time and place of sale, and in the same mode of sale as other personal property; and it shall be the duty of the officer making such sale, within ten days thereafter, to leave an attested copy of the execution, with his return thereon, with the Secretary of the Company, and the vendee shall thereby become the Proprietor of such share or shares, and entitled to the same, and to all the dividends which shall have accrued thereon after the taking in execution as aforesaid, or when there shall have been a previous attachment, after such attachment, notwithstanding any intervening transfer. Mode of attaching shares.

SECT. 12. *And be it further enacted,* That in case of any loss or losses taking place that shall be equal to the amount of the capital stock of said Company, and the President and Directors, after knowing of such loss or losses taking place, shall subscribe to any policy of insurance, their estates jointly and severally shall be accountable for the amount of any and every loss which shall take place under policies thus subscribed. Case of losses equal to the capital stock.

SECT. 13. *And be it further enacted,* That the President and Directors of said Company shall, previous to their subscribing to any policy, and once in every year after, publish in two of the most public places in the town of *Nantucket*, the amounts of their stock, against what risks they mean to insure, and the largest sum they mean to take on any one risk. Amount of stock to be published.

SECT. 14. *And be it further enacted,* That the President and Directors of said Company shall, when, and as often as required by the Legislature of this Commonwealth, lay before them a statement of the affairs of said Company, and submit to an examination under oath concerning the same. Statements to be laid before Legislature.

First meeting.

SECT. 15. *And be it further enacted*, That *Josiah Barker* and *George Myrick*, or either of them, be, and is hereby authorized to call a meeting of the members of said Company, by advertizing the same in two of the most public places in the town of *Nantucket*, for ten days successively, for the purpose of electing their first Board of Directors, who shall continue in office until the second Monday in *January*, one thousand eight hundred and five, and until others are chosen in their stead.

Insurance on one risk.

SECT. 16. *And be it further enacted*, That the said President and Directors shall not be allowed to insure on any one risk, a larger sum than *ten per centum* of the amount of the capital stock of said Corporation actually paid in.

[This Act passed June 21, 1804.]

An ACT to annex a certain Gore of Land in the County of *Kennebeck* to the Town of *Wayne*, in said County.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the unincorporated gore of land in the county of *Kennebeck*, described within the following boundaries, viz. Beginning at the south-east corner of the town of *Fayette*, on the easterly side of *Lain's Pond*, so called; thence running east to the westerly line of *Reedfield*; thence southerly, on the west line of said *Reedfield*, until it strikes the line of *Wayne*; thence north, twenty-two and an half degrees west, to the first-mentioned bounds; with the inhabitants thereon, be, and they are hereby annexed to the town of *Wayne*, within said county of *Kennebeck*, and shall hereafter be considered as part of the same.

[This Act passed June 21, 1804.]

An ACT to establish an Academy in the Town of *Monson* by the Name of *The Monson Academy*, and to create a Corporation of Trustees for the same.

Preamble.

WHEREAS the encouragement of literature in the rising generation has ever been considered by the wise and good as the basis upon which the safety and happiness of a free people ultimately depends: And whereas *Abel Goodell*, Esq. and others, have petitioned this Court for the establishment of an Academy in *Monson*, in the county of *Hampshire*: For that purpose,

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*,
That

That an Academy for the instruction of youth in learning, virtue and religion be, and hereby is established at *Monson*, in the county of *Hampshire*, by the name of *The Monson Academy*. Academy established.

SECT. 2. *And be it further enacted*, That *Abel Goodell*, Esq. the Rev. *Samuel Willard*, Rev. *Jesse Ives*, Rev. *Ephraim Ward*, Rev. *Moses Baldwin*, Rev. *Moses Warren*, Rev. *Ezra Witter*, Rev. *Richard S. Storrs*, *Aaron Merrick*, *Darius Munger*, *Gad Cotton*, *Rufus Flynt*, *Azel Utley*, *Joel Norcross*, and *Ede Whitaker*, be, and they hereby are established a Body Corporate by the name of *The Trustees of Monson Academy*; and they and their successors shall continue a Corporation by that name forever, with power to have a common seal, to contract, to sue or be sued, and prosecute or defend suits by their agent or agents appointed for that purpose; to take, hold and improve any estate, real or personal, and the same to lease, exchange, or sell and convey for the benefit of the said Academy, by deed or deeds duly executed by their Treasurer or other officer or agent, being thereunto authorized by the said Corporation: *Provided*, That the annual income of the whole estate of the said Corporation shall not exceed *five thousand dollars*. Trustees' names.

SECT. 3. *And be it further enacted*, That the said Trustees shall have power from time to time to appoint a Clerk, who shall be under oath, and a Treasurer, who shall give bond for the faithful discharge of his trust, and such other officers and instructors of the said Academy as the said Trustees may judge needful and proper; and also to determine the time and place of their meetings, the mode of warning the same, of electing officers and Trustees, and of transacting all other business, and to ordain necessary and reasonable orders, regulations and by-laws, for the instruction and government of the said Academy, not repugnant to the Constitution and laws of this Commonwealth. Clerk, Treasurer, instructors, &c. to be appointed.

SECT. 4. *And be it further enacted*, That when any of the said Trustees shall die or resign, or by age, infirmity, or otherwise, become incapable of discharging his said trust, in the judgment of the major part of the said Trustees, the survivors may fill such vacancy by electing a successor. Trustees may be elected.

SECT. 5. *And be it further enacted*, That the number of the said Trustees shall not, at any time, be more than fifteen, nor less than nine, five of whom shall constitute a quorum for the transaction of business; and all questions shall be decided by the votes of the major part of the Trustees present, and in case of an equal division, by the casting vote of the presiding Trustee. Number of Trustees.

SECT. 6. *And be it further enacted*, That *Abel Goodell*, Esq. be, and he hereby is authorized to appoint the time and place of the first meeting of the said Trustees, and give them notice thereof. First meeting.

[This Act passed June 21, 1804.]

An

An ACT to authorize the Town of *Duxbury*, in the County of *Plymouth*, to keep up and maintain a Bridge and Mill-Dam on and over *Blue-Fish River*, so called, in said Town.

Preamble.

WHEREAS the town of *Duxbury*, in the county of *Plymouth*, has erected a Bridge over *Blue-Fish River*, so called, in said town, which Bridge is of great public utility : And whereas said town have petitioned this Court for leave to use the same Bridge as a Mill-Dam, for the purpose of raising a pond to work mills :

Duxbury au-
thorized to
maintain a
bridge & dam.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the town of *Duxbury*, in the county of *Plymouth*, be, and is hereby authorized and empowered to keep up and maintain the Bridge and Dam now erected on and over said river, and to erect and maintain gates therein, for the purpose of stopping the water to work mills.

Passage-way to
be kept.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said town of *Duxbury* shall forever keep and maintain a passage-way through said Bridge and Dam, at least twenty-six feet wide, and in the deepest water, with a good and convenient draw over the same, to be opened and shut at the expence of said *Duxbury*, for all vessels to pass and repass.

Draw & gates
to be opened as
occasion may
require.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the flood-gates which may be used for the purpose of stopping the water, shall be so constructed that they will not fail to be opened by the flood-tides : And said town shall constantly keep one suitable person at or near said Bridge, whose duty it shall be to open said draw and gates when requested so to do by any person wanting to pass through the same with any ship or vessel, *provided* the opening of said gates be practicable at the time the request shall be made as aforesaid ; and in case any person shall desire to pass through said Bridge or Dam on the ebb tide, with any ship or vessel, and shall, at any time before the tide shall have risen within one foot of the top of said gates, signify such his desire to the person who shall be appointed to open said draw and gates, said draw shall be opened, and said gates shall be fastened open, and so kept until the water in the passage-way shall not exceed in height six feet : And in case said draw shall not be opened, and said gates fastened opened as aforesaid, after notice as aforesaid, then in every such case the said town of *Duxbury* shall forfeit and pay to the person so having signified his desire as aforesaid, a sum not exceeding one hundred dollars, nor less than five dollars, to be recovered in an action of the case before any Court having competent jurisdiction to try the same.

Penalty.

SECT.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the said town of *Duxbury* be, and hereby is empowered and obliged to dig and remove from above and below the passage-way in said Dam, so much of the salt marsh as now does, or hereafter may impede or obstruct said passage : And in case the said town of *Duxbury* cannot agree with the owner or owners of said salt marsh, as to the price of such part of said marsh as may be taken and used by said town for the purpose aforesaid, either party shall have a right to have the damages determined by a Jury at the Court of Sessions, as is provided in case of highways : *Provided always,* That nothing in this Act shall be construed to prevent any owner of lands which may be flowed in consequence of said Dam, from recovering the damage sustained thereby.

Salt marsh to be dug & owners indemnified.

[This Act passed June 21, 1804.]

An ACT in addition to an Act, entitled, " An Act to incorporate the Plantation called *Shepardsfield*, in the County of *Cumberland*, into a Town by the Name of *Hebron*."

WHEREAS by an Act passed the sixth day of *March*, in the year of our Lord one thousand seven hundred and ninety-two, entitled, " An Act to incorporate the plantation called *Shepardsfield*, in the county of *Cumberland*, into a town by the name of *Hebron*," the bounds therein mentioned are vague and uncertain : For remedy whereof,

Preamble.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That so much of the Act passed the sixth day of *March*, one thousand seven hundred and ninety-two, entitled, " An Act to incorporate the plantation called *Shepardsfield*, in the county of *Cumberland*, into a town by the name of *Hebron*," as relates to the boundary lines thereof, be, and the same hereby is repealed ; and that the bounds of said town of *Hebron* shall, from and after the passing of this Act, be as follows, viz. Beginning at the most south-westerly corner of the town of *Turner* ; from thence north, twenty-six degrees east, on the westerly line of said *Turner*, to the corner between the towns of *Hebron* and *Buckfield*, which was made by *John Jordan*, in the year one thousand seven hundred and eighty-five ; from thence north, seventy degrees west, on the line run by said *Jordan* for the southerly line of *Buckfield*, about five miles and one half, to the easterly side line of the town of *Paris* ; from thence south, fourteen degrees east, in said side line, to the south-east corner of *Paris* ; thence south, sixty-eight degrees west, in the southerly end line of said town, to the south-west corner thereof ; thence north,

Boundaries described.

fourteen

fourteen degrees west, on the westerly side line of said town, two miles, to a stake; thence south, fifty-four degrees west, on the foot line of *Norway*, to the easterly line of the town of *Otisfield*, (commonly called the *Parker Line*;) thence south, twenty-five degrees east, in said *Parker Line*, about seven miles and one half, to the northerly side line of the town of *Poland*; thence north-east, on the head lines of *Poland* and *Minot*, which was run by *Amos Davis*, to the north-east corner of said *Minot*; thence south-easterly about one hundred and fifty rods, to the first bounds.

[This Act passed June 21, 1804.]

An ACT to incorporate the Plantation of *Industry*, in the County of *Kennebeck*, into a Town by the Name of *Mercer*.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the plantation heretofore called *Industry*, in the county of *Kennebeck*, contained within the following boundaries, together with the inhabitants thereon, be, and they are hereby incorporated into a town, by the name of *Mercer*: Beginning at the south-west corner of *Starks*; thence running easterly to the southerly line of *Starks* aforesaid, to the westerly line of *Norridgewock*; thence southerly on the westerly line of said *Norridgewock*, to the south-westerly corner thereof; thence east one mile and a half; thence south so far as to intersect a line to be run east from the north-east corner of *Rome*; thence west, by the line of said *Rome*, to the easterly line of *New-Sharon*; thence northerly, by the easterly line of said *New-Sharon*, to the south-east corner of the plantation aforesaid; thence north, to the first mentioned bounds: And the said town is hereby vested with all the powers, privileges and immunities which other towns in this Commonwealth do or may enjoy, consistent with the Constitution of said Commonwealth.

Boundaries.

SECT. 2. *And be it further enacted*, That *Samuel Prescott*, Esq. or any other Justice of the Peace in said county, is hereby authorized to issue his warrant, directed to some suitable inhabitant of said town of *Mercer*, requiring him to notify and warn the inhabitants thereof, qualified to vote in town affairs, to meet at such convenient time and place as shall be expressed in his said warrant, to choose all such officers as towns are by law authorized to choose in the months of *March* or *April* annually.

First meeting.

[This Act passed June 22, 1804.]

An ACT to authorize *Samuel Borden* to build a Bridge from the easterly Side of *Crow Island*, lying in *Aquishnet River*, to the main Land, in the Village of *Fairhaven*, in the Town of *New-Bedford*, in the County of *Bristol*.

WHEREAS application hath been made to this Court Preamble for leave to erect a Bridge across from the easterly side of *Crow Island*, in *Aquishnet River*, to the village of *Fairhaven*, in the town of *New-Bedford*, in the county of *Bristol*, and it appearing that a Bridge in the said place will be a great accommodation to the said *Borden*, and of general utility to the neighbourhood:

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *Samuel Borden*, and such persons as may hereafter associate with him, their heirs and assigns, be, and hereby are empowered to erect a Bridge from the easterly side of *Crow Island*, in *Aquishnet River* aforesaid, to *Fairhaven* village, in the town of *New-Bedford* aforesaid, a few feet south of the dwelling of the widow *Elizabeth Adams*, to the land of the said *Samuel Borden*; and for that purpose they are hereby made and constituted a Corporation and Body Politic, for the purpose aforesaid, by the name of *The Proprietors of Crow Island Bridge*, and by that name may sue and be sued to final judgment and execution, and do and suffer all matters, acts and things which Bodies Politic may or ought to do and suffer; and the said Corporation may have a common seal, and the same may break or alter at pleasure.

The building of a Bridge authorized.

SECT. 2. *And be it further enacted,* That said Bridge shall be made with good and durable materials, and be so constructed as to have a draw of at least twenty-eight feet in width, which draw shall be raised up for all vessels without toll or pay, during day-light in each day: *Provided,* That said Bridge shall be built within the term of two years from the passing of this Act, otherwise the same Act shall be void and of no effect.

Bridge to be built of good materials, have a draw, &c.

[This Act passed June 22, 1804.]

An ACT to incorporate the Plantation called *Twenty-five-Mile-Pond*, in the County of *Kennebeck*, into a Town by the Name of *Unity*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the plantation heretofore called *Twenty-five-Mile-Pond*, in the county of *Kennebeck*, contained within the following boundaries, together with the inhabitants there-

on,

Boundaries.

on, be incorporated into a town by the name of *Unity*: Beginning at the northerly corner of the *Waldo Patent*; thence running westerly on the southerly line of township Number Four, one hundred and sixty rods; thence west-north-west, five miles; thence south-south-west, six miles; thence east-south-east to the *Waldo Patent* line; thence on said line to the first-mentioned bounds: And the said town is hereby vested with all the powers, privileges and immunities which other towns do or may enjoy by the Constitution and laws of this Commonwealth.

First meeting
for choice of
officers, &c.

SECT. 2. And be it further enacted, That any Justice of the Peace within the county of *Kennebeck* may, and he is hereby empowered to issue his warrant, directed to some suitable inhabitant of the said town of *Unity*, requiring him to notify and warn the inhabitants thereof, qualified to vote in town affairs, to meet at such time and place as shall be expressed in said warrant, to choose all such officers as towns are by law required to choose in the months of *March* or *April* annually.

[This Act passed June 22, 1804.]

An ACT to incorporate Township Number One, in the Second Range of Townships on the west Side of *Kennebeck River*, in the County of *Kennebeck*, into a Town by the Name of *Emden*.

Boundaries.

SECT. 1. BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the township Number One, on the west side of *Kennebeck River*, in the second range, north of the *Plymouth Claim*, in the county of *Kennebeck*, contained within the following boundaries, together with the inhabitants thereon, be, and are hereby incorporated into a town by the name of *Emden*: Beginning at a marked tree, on the bank of *Kennebeck River*, at the north-east corner of the *Plymouth Claim*; thence running west on the line of *Anson* six miles, to a marked tree; thence north six miles, to the south line of the *Million Acres*, so called, located on the *Kennebeck River*; thence east, on the line of the *Million Acres* aforesaid, about six miles, to the middle of the channel of said *Kennebeck River*; thence following the middle of the main channel of *Kennebeck River*, down said river, until it intersects a line running east from the first-mentioned bounds; thence west, on said line, to the bounds first-mentioned: And the said town is hereby vested with all the powers, privileges and immunities which other towns do or may enjoy by the Constitution and laws of this Commonwealth.

SECT.

SECT. 2. *And be it further enacted*, That any Justice of the Peace within the county of *Kennebeck* may, and he is hereby empowered to issue his warrant, directed to some suitable inhabitant of the said town of *Emden*, requiring him to notify and warn the inhabitants thereof, qualified to vote in town affairs, to meet at such time and place as shall be expressed in said warrant, to choose all such officers as towns are by law required to choose in the months of *March* or *April* annually.

First meeting
for choice of
officers.

[This Act passed June 22, 1804.]

An ACT to set off *David Barnard* from the North Parish in the Town of *Andover*, and annex him and his Estate to the South Parish in the said Town.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *David Barnard*, of *Andover*, in the county of *Essex*, with his polls and estate, be, and hereby is set off from the north, and annexed to the south parish in said *Andover*: *Provided*, That the said *David Barnard* shall previously pay his proportion of all parish charges assessed upon him, and due to the said north parish, prior to the date of this Act.

[This Act passed June 23, 1804.]

An ACT to set off *John Whiting*, *Moses Craige*, *Jesse Day*, *Elijah Craige*, *Benjamin Ware*, jun. *Jeremiah Cobb*, *Amberst Mann*, and *Alfred Bacon*, from the North Parish in *Wrentham*, in the County of *Norfolk*, and to annex them and their Estates to the First Parish in said Town.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *John Whiting*, *Moses Craige*, *Jesse Day*, *Elijah Craige*, *Benjamin Ware*, jun. *Jeremiah Cobb*, *Amberst Mann*, and *Alfred Bacon*, with their polls and estates, lying in the first parish in *Wrentham*, in the county of *Norfolk*, but incorporated with the north parish in the same town, be, and hereby are set off from the north parish, and annexed to the first parish in *Wrentham*, together with the whole of the estate of *Jeremiah Cobb*, late of said *Wrentham*, yeoman, deceased: *Provided nevertheless*, That the said *John Whiting*, *Moses Craige*, *Jesse Day*, *Elijah Craige*, *Benjamin Ware*, jun. *Jeremiah Cobb*, *Amberst Mann*, and *Alfred Bacon*, be held to pay all taxes already legally assessed on them by said north parish in *Wrentham*.

[This Act passed June 23, 1804.]

An ACT to incorporate *Lucretia Osgood*, and others, into a Society, by the Name of *The Salem Female Charitable Society*.

Preamble.

WHEREAS a number of ladies of the town of *Salem* have associated for the charitable purpose of relieving, instructing and educating, in a manner suitable to their condition and situation in life, poor and destitute female children, and of assisting aged and infirm widows, who through misfortunes have fallen into poverty and distress; and to carry their association into effect, have petitioned to be incorporated:

Corporate powers.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said *Lucretia Osgood*, and her associates, together with such others as may become subscribers to the same institution in the manner hereinafter provided, be, and they hereby are incorporated into a Society, by the name of *The Salem Female Charitable Society*, and by that name shall be a Corporation forever, with power to have a common seal, to make contracts relative to the objects of their institution, to sue and be sued, to establish by-laws and orders for the regulation of the said Society, and the preservation and application of the funds thereof, *provided* the same be not repugnant to the Constitution or laws of this Commonwealth; to take, hold and possess any estate, real or personal, by subscriptions, gift, grant, purchase, devise or otherwise, free from taxes, and the same to improve, lease, exchange, or sell and convey, for the sole benefit of said institution; *provided* the value of the real estate of said Society shall never exceed *forty thousand dollars*, and the annual income of the whole estate of said Society shall not exceed *twenty thousand dollars*.

Husbands accountable for their wives, &c.

SECT. 2. *Be it further enacted,* That every married woman belonging to said Society, who shall, with the consent of her husband, receive any of the money or other property of said Society, shall thereby render her said husband accountable therefor to said Society; and every woman, whether sole or married, who shall subscribe and pay to the funds of said Society the sum of *three dollars* annually, shall by such subscription and payment become a member of said Society, liable however to be removed whenever she shall refuse or neglect to pay her said annual subscription.

Annual meeting for choice of Directresses, &c.

SECT. 3. *Be it further enacted,* That the said Society shall meet in *Salem* on the first Wednesday of *May* annually, for the purpose of electing by ballot, from their members, a First and Second Directress, a Treasurer, a Secretary, and a Board of not less than six nor more than twelve Managers; all which officers shall hold their said offices for one year, and until others shall be

be elected to succeed them: And the Managers for the time being shall publish a notification of the time and place of each annual meeting, in one or more of the newspapers printed in *Salem*, at least seven days before the time of holding the same: Upon any urgent occasion, the First or Second Directress, or in their absence the Secretary, or whenever requested in writing by fifty of the members of said Society, any five of the Managers may appoint a special meeting of said Society, to be notified in the same manner as annual meetings: And at any regular meeting the Society may remove any Manager from office, and by ballot fill any vacancy in the Board of Managers, or any other corporate office: *Provided*, That in case of removal, two-thirds of the members present, being a majority of the whole Corporation, shall concur.

How special meetings may be called.

SECT. 4. *Be it further enacted*, That the Treasurer of said Society shall always, after the first Wednesday of *May* next, be a single woman of the age of twenty-one years or upwards, and shall give bond, with sufficient surety or sureties, to account annually, or oftener if required by said Society or the Board of Managers, for all money and other property of said Society coming to her hands, and in general to discharge the duties of her said office with fidelity.

Treasurer to be a single woman, and to give bonds.

SECT. 5. *Be it further enacted*, That the Board of Managers for the time being, including the First and Second Directress, shall have the management and application of the subscriptions, funds and estate of the Society, solely for the purpose of this institution; and no sale or transfer of any real or personal estate of said Society shall be valid unless approved by them; and no money shall be paid out of the Treasury of said Society, except by their order: They shall likewise have authority, at their discretion, to take under the care and direction of their Society, such poor and destitute children as they may judge suitable objects of charity to enjoy the benefits of the institution; and also to accept a surrender in writing by the father, or where there is no father, by the mother of any female child or children; and to bind out in virtuous families until the age of eighteen years, or marriage within that age, any such children thus surrendered, or any female child or children who, being destitute of parents within this Commonwealth, shall have been relieved and supported by said Society: *Provided*, That any parent whose child or children, during the absence of their said parent out of this Commonwealth, shall have received relief and support, or been bound out as aforesaid, shall have liberty, on his or her return, to receive such child or children, upon paying to the Treasurer of said Society the expense incurred in her or their relief and support as aforesaid: And the Managers shall have authority to establish any rules and by-laws for the regulation of the proceedings of said Board, and the concerns of said

Managers to have the direction of the funds; to receive children, &c.

Parents may receive their children again in certain case.

said Society, not repugnant to the laws of the Commonwealth, or the by-laws and orders of said Society; not less than three Managers shall constitute a quorum for transacting business, and all questions shall be decided by the votes of a majority of the Managers present, including the First and Second Directress.

How a writ
may be served.

SECT. 6. *Be it further enacted*, That any writ or process against said Corporation may be served by the officer's leaving an attested copy thereof with the Treasurer of said Society, or at her usual place of residence, thirty days before the return day thereof; and the said Treasurer, or any agent appointed for that purpose by the Society, or by the Managers, may appear by attorney, and defend or prosecute any suit in behalf of said Society.

How contracts,
&c. are to be
signed.

SECT. 7. *Be it further enacted*, That all instruments of conveyance or contract which may lawfully be made by said Society, if approved by the Board of Managers, shall be signed by the First or Second Directress, and countersigned by the Secretary, and if necessary, sealed with the common seal of said Society, and when so executed, shall bind the said Society and be valid in law.

Present Direct-
resses, &c. con-
tinued.

SECT. 8. *And be it further enacted*, That *Lucretia Osgood* shall continue First Directress, *Elizabeth White*, Second Directress, *Abigail Mason Dabney*, Treasurer, *Elizabeth Gardner*, Secretary, *Lydia Nichols*, *Eunice Richardson*, *Abigail Lawrence*, *Catherine G. Prescott*, *Margaret Murphy*, *Lucia Gardner*, *Lois Pulling*, and *Sarah Dunlap*, Managers, until the first Wednesday of May next, and until a new election shall be made as aforesaid; and shall be, and they hereby are invested, during said time, with all the powers herein given to said officers respectively, who shall be elected pursuant to this Act.

[This Act passed June 23, 1804.]

Original Act,
Feb. 12, 1803.

An ACT to limit and establish the Capital Stock of *The Suffolk Insurance Company.*

Value of shares
& amount of
capital.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the capital stock of the said *Suffolk Insurance Company* shall be divided into shares of *seventy-five dollars* each; and the whole number of shares shall be three thousand; and the whole capital stock, estate and property which the said Company shall be authorized to hold, shall never exceed the sum of *two hundred and twenty-five thousand dollars*, exclusive of premium notes and profits arising from their business: And the President and Directors of the said Company shall not, from and after the passing of this Act, be allowed to insure any sum by which they shall hazard on any one risk
more

more than *ten per centum* of the amount of their capital stock; any thing in the Act for incorporating said Company to the contrary notwithstanding.

SECT. 2. *And be it further enacted*, That nothing in this Act contained shall prejudice or affect any policy of insurance heretofore made by said Company; but in case of any loss or losses arising or happening on any such policy heretofore made, the party insured thereby shall have the same remedy, and the estate of each Proprietor or Stockholder shall be held accountable therefor in the same manner, and to the same amount, as if this Act had not been made.

Policies already subscribed not to be affected.

[This Act passed June 23, 1804.]

An ACT to divide the Town of *Hallowell*, in the County of *Kennebeck*, into two Parishes, and to incorporate the southerly Part thereof into a distinct Society by the Name of *The Second Parish in Hallowell*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the town of *Hallowell*, in the county of *Kennebeck*, be, and it is hereby divided into two distinct parishes; and the southerly part of said town shall be hereafter known and designated by the name of *The Second Parish in Hallowell*; and the following shall be the dividing line between the said parishes, viz. The said second parish shall extend on both sides of *Kennebeck River*; and that part of said town lying on the east side of said river shall include the whole of the easterly division of the said town, and southerly of an east-south-east line, to begin at the easterly bank of said river, and running on the north line of *Andrew Goodwin's* lot, where the said lot joins on land formerly owned by *Mary Hussy*, and thence to continue the same course until it strikes the easterly boundary of said town; thence southerly on the easterly line of the said town, until it strikes the northerly line of *Pittston*; thence west-north-west on the said *Pittston* line, until it strikes *Kennebeck River* aforesaid; from thence beginning on the north line of the lot of *Nathan Sweetland*, on the westerly margin of the river aforesaid; thence running west-north-west to the westerly line of said *Hallowell*; thence southerly on the westerly line of *Hallowell*, until it strikes the north line of *Gardiner*; thence east-south-east on the said north line of *Gardiner*, until it strikes the river aforesaid; with the inhabitants thereon, be, and they are hereby incorporated into a distinct Society by the name of *The Second Parish in Hallowell*, with all the powers, privileges, rights and immunities

Dividing parish line.

munities to which other parishes are entitled by the Constitution and laws of this Commonwealth.

Certain persons particularly admitted to the second parish. SECT. 2. *And be it further enacted*, That *Samuel Greely, Daniel Horn, Isaac Smith, Josiah Carter, Barney Gorham, Hanson Hight, Benjamin Church, jun. Jacob Carter, Ebenezer Busiel, Thomas Metcalf, and Joseph Smith*, living on a certain tract of land lying northerly of the north line of said parish, on the westerly side of said river, and southerly of lot Number Twenty-Two in said town, and *Gersham Cox*, living on the easterly side of said river, although not included within the boundary lines of said second parish, be, and they hereby are admitted as a part of said parish, during their pleasure, subject to all the rules and regulations of said parish: *Provided always*, That all the persons composing the said second parish, or who may hereafter be annexed thereto, shall be held to pay all parish taxes legally assessed upon them, and due at the time of passing this Act.

How to become a member of the first parish. SECT. 3. *And be it further enacted*, That when any of the persons mentioned in the second section of this Act, or any others who shall hereafter come to reside on the last described tract, and shall desire to become a member of the first parish in said *Hallowell*, they shall certify to the parish clerk, in writing, some time in the month of *March* annually, such their desire to become a member of the first parish; whereupon they shall be liable to be taxed, with their estates, in the said first parish, mentioned in such certificate, their just proportion of all parish taxes, and shall be held to pay all such taxes due from them to the said second parish, at the time of their being annexed to said first parish.

Provision for Messrs. Wood and Greely. SECT. 4. *And be it further enacted*, That in case *Enoch Wood* and *Gilman Greely* shall, within twelve months, become inhabitants of said town of *Hallowell*, or shall within that period signify to the clerk of the said first parish, in writing, that they and their estates may be annexed to said second parish, they shall be annexed accordingly.

First meeting. SECT. 5. *And be it further enacted*, That *Jedediah Jewett*, Esq. or any other Justice of the Peace for the county of *Kennebeck*, be, and he is hereby authorized to issue his warrant, directed to some member of said second parish, requiring him to notify and warn all the members of the said second parish, to assemble at such convenient time and place as shall be appointed in the said warrant, to choose such officers as parishes are by law required and empowered to choose in the months of *March* or *April* annually.

[This Act passed June 23, 1804.]

An ACT to incorporate a Number of Persons in the Towns of *Edgartown, Chilmark, and Tisbury*, into a Religious Society by the Name of *The First Baptist Society in Tisbury*.

WHEREAS by a covenant made and agreed upon on the twenty-first day of *December*, in the year of our Lord Preamble. seventeen hundred and eighty, by fifty persons of the denomination of Christians called Baptists, they did then form themselves into a Christian Society for the worship of God, according to the faith and order of that denomination, by the name of the *First Baptist Church and Society in Tisbury*; and have so existed unto the present time; and by their petition to this General Court have requested an Act of incorporation, with the powers and privileges usually given to similar Societies:

SECT. I. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *Joseph Allen, Ezra Allen, Becher Allen, Joseph Athearn, Jonathan Athearn, Hugh Cathcart, Jonathan Cathcart, Abraham Chace, Joseph Chace, Joseph Chace, jun. Nicholas Chace, Francis Chace, Lot Cottle, Samuel Dagget, Silas Dagget, Benjamin Davis, Zadock Davis, Meletiah Davis, John Davis, Cornelius Davis, Rufus Davis, Dennis Davis, William Davis, Henry Davis, William Downes, Eleazer Dunham, Shubael Dunham, Cornelius Dunham, Abijah Gray, John Gray, Freeman Gray, Abijah Hammett, John Hancock, Ephraim Harding, Jethro Hillman, Elijah Hillman, John Holmes, Isaac Luce, Benjamin Luce, Jesse Luce, Jesse Luce, jun. David Luce, Elisha Luce, Paul Luce, Silas Luce, Bernard Luce, Warren Luce, Mathew Luce, Jonathan Manter, Jonathan Mahter, jun. Thomas Manter, Peter Manter, Theophilus Mayhew, Jonathan Merry, William Merry, William Merry, jun. Stephen New, Samuel Norris, Isaac Norton, Samuel Norton, Obed Norton, Peter Norton, Darius Norton, Bafe Norton, Henry Norton, Henry C. Norton, Archelaus Pease, David Reynolds, Prince Rogers, Silas Rogers, William Rotch, David Smith, Mathew Smith, Jonathan Tilton, Benjamin Trask, and Beriah Weeks,* and their successors, together with their families and estates, be, and they are hereby incorporated into a religious Society, by the name of *The First Baptist Society in Tisbury*, with all the powers, privileges, rights and immunities to which parishes are entitled by the Constitution and laws of this Commonwealth, for religious purposes only: *Provided however,* That all such persons shall be holden to pay their proportion of monies assessed in the town or parish to which they respectively belonged previous to the passing of this Act.

Names of persons incorporated.

SECT. 2. *And be it further enacted,* That either of the Justices of the Peace for the county of *Dukes' County*, be, and hereby First meeting.

hereby is authorized to issue his warrant, directed to some member of said Baptist Society, requiring him to notify and warn the members thereof, to meet at such convenient time and place as shall be appointed in the said warrant, to choose such officers as parishes are by law empowered to choose in the months of *March* or *April* annually.

[This Act passed *June 23, 1804.*]

An ACT for incorporating certain Persons therein named, for the Purpose of supporting a Bridge over *Chicopee River*, at a Place called *Wallomanumps*.

Preamble.

WHEREAS *Parsons Clap* and *Abner Putnam* have, at great expence, erected a Bridge over *Chicopee River*, at a place called *Wallomanumps*, and have presented a petition to this Court that they, with such as may hereafter be associated with them, may be incorporated for the purpose of repairing, rebuilding and supporting the same :

How the first meeting is to be called.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Parsons Clap and Abner Putnam, and such other persons as shall associate with them, be, and they hereby are constituted a Corporation, for the purposes aforesaid, by the name of The Proprietors of Wallomanumps Bridge, and under that name may enjoy all the rights, privileges and immunities, incident to such Corporations in this Commonwealth : And the said Parsons Clap may call a meeting of said Proprietors, at any reasonable time after the passing of this Act, by giving notice of the same in the Federal Spy printed in Springfield, to be holden not less than five days after such notice shall be published ; and said Proprietors may then choose a Clerk, who shall be sworn to the faithful performance of his duty ; and may choose all other necessary officers, and make such by-laws as they may judge proper, not repugnant to the laws and Constitution of this Commonwealth.*

Bridge to be kept in good repair, &c.

SECT. 2. *Be it further enacted, That the said Proprietors be, and they are hereby empowered to repair, rebuild and support said Bridge ; and the same shall always be kept in good repair, and be safe and convenient for passengers ; and when the same shall be rebuilt, it shall not be less than eighteen feet wide, covered with good plank, and secured with sufficient railing.*

SECT. 3. *And be it further enacted, That for reimbursing to said Proprietors the money by them expended, or to be expended, in building and supporting said Bridge, a toll be, and hereby is granted and established, for the sole benefit of said Proprietors, according to the rates following, viz. For each*

each foot passenger, *two cents*; for each chaise, fulkey, or other carriage, drawn by one horse, *eight cents*; for each waggon, drawn by two horses, *eight cents*; for each coach, or other four-wheel carriage, drawn by two horses, *ten cents*; for each loaded team, *eleven cents*; for every team without load, *eight cents*; for every sleigh, drawn by two horses, *seven cents*—by one horse, *five cents*; for cattle and horses, *one and a half cents* each; for sheep and hogs, *five cents* per dozen; for a man and horse, *four cents*: And at all times when the toll-gatherer shall not attend his duty, the gate or gates shall be kept open; and the said toll shall commence from and after the first day of July next, and shall be liable to be altered and regulated after the term of thirty years.

Rates of toll.

[This Act passed June 23, 1804.]

An ACT in addition to an Act, entitled, “An Act in addition to an Act, entitled, An Act for incorporating *Woodbury Storer* and others, by the Name and Style of *The Cumberland Canal*.”

June 25, 1795.
Jan. 25, 1804.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the stock, property and estate which may belong to the said Proprietors shall be divided into four thousand shares, which shall be divided among, and held by the present Proprietors, according to the proportion of interest which they now severally hold therein; and certificates of such shares, signed by the President, shall be issued to them accordingly; which shares shall be transferable by indorsement on such certificates, and the property shall be vested in the vendee, when a record shall be made thereof by their Clerk, and new certificates shall be issued accordingly; and such shares shall in all respects be considered as personal estate.

Stock, &c. to
be divided into
4000 shares.

Transfers.

SECT. 2. *And be it further enacted,* That the share or shares of any of the aforesaid Proprietors, with the dividends thereon due, shall be liable to attachment and execution in favour of any *bona fide* creditor, in the manner following, viz. Whenever a proper officer, having a writ of attachment or execution, against any such Proprietor, shall apply with such writ or execution to the said Clerk, it shall be the duty of said Clerk to expose the books of the said Proprietors to such officer, and furnish him with a certificate under his hand in his official capacity, ascertaining the number of shares belonging to the said Proprietor, the amount of the dividends thereon due; and when any such share or shares shall be attached on *mesne process*, or taken in execution, an attested copy of such writ

Shares liable to
attachment, &
the manner de-
scribed.

writ of attachment or execution shall be left with the said Clerk, and such share or shares may be sold on execution in the same manner as other personal property taken in execution; and it shall be the duty of such officer making such sale within ten days thereafter to leave an attested copy of such execution, with his doings thereon, with the aforesaid Clerk, and the property of such shares thus sold shall be vested in the vendee, with the dividends arising on the same after attachment or taking in execution.

Property allowed to be held.

SECT. 3. *And be it further enacted*, That the Proprietors aforesaid be, and hereby are made capable in law to have, hold, purchase, enjoy and retain to them, their successors and assigns, lands, rents, tenements and hereditaments, to the amount of *one hundred and twenty thousand dollars*, including the value of such real estate as they are already made capable of holding, by the Act to which this is in addition.

Commencement and duration of toll.

SECT. 4. *Be it further enacted*, That the toll already established and granted said Proprietors, shall commence at the day when the said Canal shall be completed, and continue for and during the term of one hundred years from the same day; any thing in the Act to which this is in addition to the contrary notwithstanding.

[This Act passed June 23, 1804.]

An ACT to authorize the Proprietors of *York Bridge*, over *Trafston's Ferry*, to receive Toll.

Toll established.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That for the reimbursing to the said Proprietors the monies they have already expended in building said Bridge, and to keep the same in repair, a toll is hereby granted and established for the benefit of the said Proprietors and their associates, according to the following rates, viz. For each foot passenger, *one cent*; for each man and horse, *four cents*; for each horse and chaise, sulkey or riding chair, *eight cents*; for each sled, sleigh, waggon or cart, drawn by one beast, *six cents*; for each sled, sleigh, waggon or cart, drawn by two beasts, *ten cents*,—and if drawn by more than two beasts, *two cents* for each additional beast; for neat cattle or horses, *two cents* per head; for sheep or swine, *four cents* per dozen, in that proportion for a less or greater number: and to each team one person and no more shall be allowed as a driver to pass free from toll: for each coach, chariot, phaeton, or other four-wheel carriage, drawn by two horses, *sixteen cents*,—and if drawn by more than two horses, *twenty cents*: And the said toll shall commence on the first day of *July*, in the year of our

Rates of toll.

Lord

Lord one thousand eight hundred and four, and shall continue for and during the term of forty years; at the end of which time the said Bridge shall be delivered up in good repair, to be at the disposal of the Legislature; and when twenty years have elapsed from the date of this Act, the Legislature may regulate anew the rates of toll receivable at the said Bridge; and at the place where the toll shall be received, there shall be erected and constantly exposed to open view, a sign-board, with the rates of toll and all the tollable articles fairly and legibly written thereon; and the said Bridge shall be kept in good, safe and passable repair.

Sign-board to be erected.

SECT. 2. *And be it further enacted*, That if the said Proprietors shall unreasonably neglect to keep the said Bridge in good repair as aforesaid, on such neglect being made to appear to the Court of General Sessions of the Peace for the county of *York*, it shall be in the power of said Court to prohibit the Proprietors aforesaid from receiving toll from any person or persons passing the said Bridge, until it is by them put into such repair as shall be considered sufficient by said Court: And the said Proprietors shall be liable to pay all damages which may happen to any person from whom the toll is demandable for any damage which shall come from want of repair in the said Bridge.

Proprietors obliged to keep the Bridge in good repair.

SECT. 3. *And be it further enacted*, That nothing in this Act shall extend to entitle the said Proprietors to demand or receive toll of any person or persons who shall be passing with his horse or carriage, or as a foot passenger, to or from public worship on the Lord's day, or to or from any grist-mill, or from any person or persons passing on military duty, or in going or returning from schools or town-meetings.

Exemptions from toll.

SECT. 4. *And be it further enacted*, That the said toll may be commuted with any Corporation, person or persons, by taking of him or them a certain sum quarterly or annually, as may be mutually agreed on in lieu of the toll aforesaid.

Toll may be commuted.

[This Act passed June 23, 1804.]

An ACT to incorporate the Plantation of *Great-Pond-Settlement*, in the County of *Lincoln*, into a Town, by the Name of *Palermo*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the plantation heretofore known by the name of *Great-Pond-Settlement*, at the head of *Sheepsfoot River* in the county of *Lincoln*, contained within the following boundaries, together with the inhabitants thereon, be, and hereby are incorporated into a town by the name of *Palermo*: Beginning

Boundaries.

ning at the north-east corner of the town of *Harlem*, thence running east-south-east, five miles; thence running south, twenty-nine degrees west, one mile and three-fourths of a mile, to *Sheepscut River*; thence down said river, five hundred and forty rods, to the south-west corner of *Davidstown*; thence south-east, on *Davidstown* line, one hundred and forty-six rods; thence south, twenty-nine degrees west, until it makes eight miles and one hundred and eighty rods; thence west-north-west five miles, to the south-east corner of *Harlem*; thence north, twenty-nine degrees east, on the line of the said town of *Harlem*, eight miles and one hundred and eighty rods, to the bounds first mentioned: And the said town is hereby vested with all the powers, privileges and immunities which other towns in this Commonwealth do or may enjoy, by the Constitution and laws of said Commonwealth.

Jos. Stebbins,
Esq. to call first
meeting.

SECT. 2. *And be it further enacted*, That *Josiah Stebbins*, Esq. or any other Justice of the Peace in said county, is hereby authorized to issue his warrant, directed to some suitable inhabitant of said town of *Palermo*, requiring him to notify and warn the inhabitants thereof, qualified to vote in town affairs, to meet at such time and place as shall be expressed in said warrant, to choose all such officers as towns in this Commonwealth are by law required to choose in the month of *March* or *April* annually.

[This Act passed June 23, 1804.]

An ACT to change the Names of *Ebenezer Morse*, *William Paine, jun.* *William Stevens*, *Joseph B. Tinker*, and *James Crawford Bullock*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Ebenezer Morse*, son of *Seth Morse*, of *Westborough*, in the county of *Worcester*, gentleman, be, and he hereby is allowed to take the name of *Ebenezer Belknap Morse*; that *William Paine, jun.* son of *William Paine*, of *Worcester*, in the county of *Worcester*, physician, be, and he hereby is allowed to take the name of *William Fitz Paine*; that *William Stevens*, of *Portland*, in the county of *Cumberland*, son of *Samuel Stevens*, late of *Glocester*, deceased, be, and he hereby is allowed to take the name of *William Samuel Stevens*; that *Joseph B. Tinker*, late of *Windham*, in the State of *Connecticut*, now resident in *Boston*, in the county of *Suffolk*, stationer, be, and he hereby is allowed to take the name of *Joseph Tinker Buckingham*; that *James Crawford Bullock*, of *Boston*, in the county of *Suffolk*, son of *Nathaniel Bullock*, late of *Salem*, in the county of *Essex*, be, and he hereby is allowed to take the name of *James Crawford*

ford Bullard: And each of the persons abovenamed shall, in future, be respectively known and called by the names which they are severally allowed to take as aforesaid; and the same shall be considered as their only proper names, to all intents and purposes.

[This Act passed June 23, 1804.]

An ACT in addition to an Act, entitled, "An Act to authorize the Selectmen of the Town of *Portland* to appoint an additional Number of Engine-Men." Feb. 7, 1803.

WHEREAS it is found inconvenient that the selectmen of *Portland* should be limited to the month of *January* annually, in the appointment of engine-men for the engine there called the *Cataract*, and the number of such engine-men is insufficient:

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said Selectmen be, and they hereby are authorized to nominate and appoint an additional number, not exceeding twenty-five men, instead of eighteen, to which they are now limited; and occasionally to fill up the said number, at any time of any year in future, at their discretion.

[This Act passed June 23, 1804.]

An ACT to incorporate the Plantation of *East-Andover*, in the County of *York*, into a Town by the Name of *East-Andover*.

SECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the plantation heretofore called East-Andover, in the county of York, as described within the following bounds, with the inhabitants thereon, be, and hereby are incorporated into a town, by the name of East-Andover: Beginning at the north-westerly corner of the town of Rumford, thence running east, eighteen degrees north, and bounded by the north line of said Rumford, about three miles and a half, to a beach tree marked T L, standing in the said north line of Rumford: thence north, eighteen degrees west, eight miles; thence west, eighteen degrees south, six miles; thence south, eighteen degrees east, eight miles; thence east, eighteen degrees north, about two miles and an half, to the first mentioned bound: And the said town is hereby invested with all the powers and privileges, rights and immunities to which other towns are entitled by the Constitution and laws of this Commonwealth.* Boundaries.

SECT.

Eli Twitchell,
Esq. to call first
meeting.

SECT. 2. *And be it further enacted*, That *Eli Twitchell*, Esq. or any other Justice of the Peace in the county of *York*, be, and he is hereby authorized to issue his warrant, directed to some suitable inhabitant of the said town of *East-Andover*, requiring him to notify and warn the inhabitants of the said town of *East-Andover*, to assemble and meet at such convenient time and place as shall be expressed in said warrant, to choose all such officers as towns are by law required to choose in the months of *March* and *April* annually.

[This Act passed June 23, 1804.]

An ACT to incorporate the Plantation of *Peabody's Patent*, in the County of *York*, into a Town, by the Name of *Gilead*.

Boundaries.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the plantation heretofore called *Peabody's Patent*, in the county of *York*, as described within the following bounds, viz. Beginning at a fir tree marked P B, and standing in the most south-easterly corner of said patent, from thence north, twenty degrees west, joining the town of *Bethel*, nine hundred and sixty rods, to a hemlock tree, marked P B; from thence running west, one thousand six hundred and fifty-four rods, to a spruce tree, marked P B, and standing in the line of the town of *Shelburne*; thence south, eight degrees east, by said *Shelburne*, eight hundred and twenty-two poles, to a large high rock; thence east, two thousand and eighty rods, by lands granted to *Fryburg Academy*, to the place of beginning, together with the inhabitants thereon, be, and hereby are incorporated into a town by the name of *Gilead*: And the said town of *Gilead* is hereby vested with all the powers, privileges and immunities which other towns do or may enjoy by the Constitution and laws of this Commonwealth.

Hon. S. Frye,
Esq. authorized
to call first
meeting.

SECT. 2. *And be it further enacted by the authority aforesaid*, That the Honorable *Simon Frye*, Esquire, or any other Justice of the Peace for said county of *York*, be, and hereby are empowered to issue their warrant, directed to some suitable inhabitant of said town of *Gilead*, requiring him to notify and warn the inhabitants thereof, qualified to vote in town affairs, to meet at such time and place as shall be expressed in said warrant, to choose all such officers as towns are by law required to choose in the month of *March* or *April* annually.

[This Act passed June 23, 1804.]

An

An ACT in amendment of an Act, entitled, "An Act for incorporating certain Persons by the Name of *The Boston Library Society*." June 17, 1794.

WHEREAS *The Boston Library Society* by their Act of incorporation, passed on the seventeenth day of June, Preamble.
in the year of our Lord one thousand seven hundred and ninety-four, are restrained from raising money for the purposes of their institution, unless a majority of the subscribers be present at the meeting for voting the same; which restriction hath been found inconvenient, and the Trustees of said Library, pursuant to a vote of the Proprietors, have petitioned this Court for a different provision :

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the third enacting clause in "An Act for incorporating certain persons by the name of The Boston Library Society," be, and hereby is repealed.* Part of former law repealed.

SECT. 2. *And be it further enacted by the authority aforesaid, That the said Boston Library Society be, and they hereby are authorized and empowered, at their annual meeting in March, to vote, grant, or order the raising of such suitable sum or sums of money as they may judge to be necessary or expedient for the preservation, maintenance, management, and augmentation of said Library, and to assess the same on the several shares in said Library, under the penalty of disfranchisement of any Proprietor for non-payment of his or her proportional assessment, within such period as shall at said meeting be appointed: Provided, That any proposed assessment, or vote of money as aforesaid, shall be specially mentioned in the notification of the annual meeting of said Society, which notification, in such case, shall be published in two or more of the Boston newspapers, thirty days at least before the meeting.* Society authorized to raise money.

[This Act passed June 23, 1804.]

An ACT in addition to an Act, entitled, "An Act establishing a Corporation by the Name of *The Second Massachusetts Turnpike Corporation*." March 8, 1797.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That whenever the Proprietors of The Second Massachusetts Turnpike Corporation shall build a good and sufficient Bridge over Deerfield River, on said road, and also put the road in good repair, they shall then be entitled to take and receive from each traveller or passenger the following rates of toll,*

New rates of
toll.

toll, in lieu of the toll now established, viz. For every coach, phaeton or other four-wheel carriage, drawn by two horses, *thirty-seven and an half cents*,—and if drawn by more than two horses, an additional sum of *six and a quarter cents* for each horse; for every cart or waggon, drawn by two oxen or horses, *twenty-five cents*,—and if drawn by more than two oxen or horses, an additional sum of *six and a quarter cents* each; for every curricule, *twenty cents*; for every sleigh or sled, drawn by two oxen or horses, *eighteen and three quarters of a cent*,—and for each additional horse or ox, *six and a quarter cents*; and for every chaise, chair or fulkey, drawn by one horse, *eighteen and three quarters cents*,—and for each additional horse, *six and a quarter cents*; for each sleigh, sled or cart, drawn by one horse, *twelve and a half cents*; for every man and horse, *twelve and a half cents*; for all oxen, horses or neat cattle, besides those in teams or carriages, *two cents* each; for all sheep or swine, *one half cent* each: *Provided* the said Proprietors shall build and complete said Bridge within the term of two years, from and after the passing this Act.

Penalty for im-
properly draw-
ing timber, &c.

SECT. 2. *And be it further enacted*, That if any person shall draw any timber or logs on the road, without mounting the fore end on wheels or runners, or shall leave any timber, stones or other obstruction whatever, within the limits of said road, so as to obstruct the travelling or cause any expence to said Corporation, such person or persons so offending shall forfeit and pay to the use of said Corporation a sum not exceeding *ten dollars* nor less than *one dollar*.

Persons going
to mill liable
for toll.

SECT. 3. *And be it further enacted*, That no person or persons shall be exempted from paying toll who is going to or from any mill, except a grist mill; any thing in the Act to which this is an addition to the contrary notwithstanding.

[This Act passed June 23, 1804.]

An ACT to incorporate a Number of the Inhabitants of the Town of *Leeds*, in the County of *Kennebeck*, into a Religious Society, by the Name of *The First Baptist Society in Leeds*.

Names of per-
sons incorpora-
ted.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Thomas Francis, Oliver Otis, Josiah Turner, Zebulon P. Millet, James Lain, Nathaniel House, jun. Andrew Cushman, Samuel Herrick, John Millet, Isaac Collier, Uriah Foss, Geldins Lane, Isaac Truman, Ebenezer Mason, Daniel Lane, jun. Thomas Millet, jun. Simeon Gould, Phinehas Foss, Robert Gould, Joseph Gould, Seth Howard, Abial Daily, Daniel Lawthrop, Daniel Lawthrop, jun. James Stanley, David Woodman, Eleazer Carver,*

Carver, Daniel Robbins, Thomas Millet, and William Turner, with their families and estates, with such others belonging to the said town of *Leeds* as have or may hereafter join them in the manner hereafter described, be, and they are hereby incorporated into a religious Society, by the name of *The First Baptist Society in Leeds*, with all the powers, privileges and immunities to which other parishes are entitled by the Constitution and laws of this Commonwealth, for religious purposes only.

SECT. 2. *Be it further enacted,* That any person belonging to the town of *Leeds* aforesaid, being of the Baptist denomination, who may at any time hereafter actually become a member of, and unite in religious worship with the Society aforesaid, and give in his or her name to the Town-Clerk of said *Leeds*, with a certificate signed by the Minister or Clerk of said Society, that he or she has actually become a member of, and united in religious worship with the aforesaid Baptist Society in *Leeds*, fourteen days previous to the town-meeting therein, to be held in the month of *March* or *April* annually, shall, from and after giving such certificate, with his or her polls and estates, be considered as part of said Society: *Provided however,* That such persons shall be held to pay their proportion of all money legally assessed in the said town of *Leeds* previous to that time.

How to become a member of this Society.

SECT. 3. *Be it further enacted,* That if any member of said Baptist Society shall at any time see cause to leave the same, and unite in religious worship with the town or parish in which he or she may reside, and shall lodge a certificate of such his or her intention, with the Clerk or Minister of said Baptist Society, and also with the Clerk of the town or parish in which he or she may reside, fourteen days at least before the annual meeting to be held therein in the month of *March* or *April*, and shall pay his or her proportion of all money assessed on said Society previous thereto, such person shall, from and after giving such certificate, with his or her polls and estates, be considered as belonging to the town, or parish, or Society in which he or she may reside, in the same manner as if he or she had never belonged to the said Baptist Society.

How to leave the Society.

SECT. 4. *And be it further enacted,* That any Justice of the Peace within the county of *Kennebeck*, is hereby authorized to issue his warrant to some suitable member of said Baptist Society, requiring him to notify and warn the members thereof, to meet at such time and place as shall be expressed in said warrant, to choose all such officers as parishes in this Commonwealth are by law authorized to choose in the months of *March* or *April* annually.

First meeting.

[This Act passed *June 23, 1804.*]

June 22, 1803. An ACT in addition to an Act, entitled, "An Act to establish a Corporation by the Name of *The Becket Turnpike Corporation*."

New rates of toll.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said Becket Turnpike Corporation shall be, and hereby is authorized to demand and receive, at their gate, to be erected in pursuance of the said Act to which this is in addition, the following rates of toll, instead of those established in and by said Act, viz. For each coach, chariot, phaeton, or other four-wheel carriage, drawn by two horses, thirty-seven cents, and if drawn by more than two horses, an additional sum of six cents for each horse; for every cart or waggon, drawn by two oxen or horses, twelve and half cents, if drawn by more than two oxen or horses, the additional sum of four cents for each ox or horse; for every curricule, twenty-five cents; for every chaise, chair or other carriage, drawn by one horse, seventeen cents; for every man and horse, six cents; for every sled or sleigh, drawn by two oxen or horses, twelve and one half cents, if drawn by more than two oxen or horses, an additional sum of three cents for each ox or horse; for every sled or sleigh, drawn by one horse, ten cents; for all horses, mules, oxen or neat cattle, led or driven, besides those in teams and carriages, two cents each; for all sheep or swine, at the rate of four cents per dozen: Provided, That the rates of toll hereby established shall continue and be in force so long only as there shall be no more than one gate erected and kept up on the road of *The Tenth Massachusetts Turnpike Corporation*, between the place where the said *Becket Turnpike Road* shall form a junction with the said *Tenth Massachusetts Turnpike Road* and the courthouse in *Lenox*, in said county of *Berkshire*.*

[This Act passed June 23, 1804.]

An ACT to establish a Corporation by the Name of *The Sheffield and Tyringham Turnpike Corporation*.

Names of persons incorporated.

SECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Aaron Adams, Zebediah Adams, Ezra Barnum, Abel Benedict, Nathaniel Bird, Stephen Brookins, Joseph Buel, John Buel, Lyman Carter, Joseph Chapin, Peter Chapin, Russell Cook, Asa Cole, John Collar, Silas Collar, John Garfield, Josiah Hale, Ebenezer Kellogg, Thaddeus Keyes, Joseph Pettes, Benjamin Smith, Gilbert Smith, Grove Smith, Jeremiah Spaulding, Stephen Stevens, Darius Stibbins, Comfort Stow, Lovett Taft, David Tracy, Alpheus Underwood, Arch. Underwood, Amos Wadsworth,*

worth, Ralph Ward, Calvin Ward, and Benjamin D. Wild, together with all such persons as may hereafter associate with them, and their successors and assigns, shall be a Corporation, by the name of *The Sheffield and Tyringham Turnpike Corporation*; and by that name may sue and prosecute, and be sued and prosecuted, unto final judgment and execution, and have and use a common seal, and exercise and enjoy all other powers and privileges which are incident to, and usually given to similar Corporations, for the purpose of laying out, making and keeping in good repair, a turnpike road, between *Sheffield* and *Tyringham*, in the county of *Berkshire*, as followeth: Beginning from the Twelfth *Massachusetts* Turnpike, at the line between this Commonwealth and the State of *Connecticut*, on the west side of the house of Capt. *Uziah Clarke*; thence northerly on the east side of the house of *Stephen Stevens*, and on the east side of *John Collar's*; thence crossing the stream called *Konkapot's Brook*, and passing on the west side of *Daniel Stevens*, to the east side of *Comfort Stow's*, in *New-Marlborough*; thence nearly as the travelled road now runs, on the east side of *Konkapot's Brook*, to the dwelling-house of *Aaron Spaulding*, and between the house and barn of said *Spaulding*, by the barn of *Zebediah Adams*, and near the house of *John Clark*, between *Ebenezer Hall's* grist-mill and the dwelling-house lately occupied by *Titus Blackmer*; thence crossing *Konkapot's Brook*, and proceeding to the Sixteenth *Massachusetts* Turnpike, a little west of *John Dodge's* barn; thence by Capt. *Alpheus Underwood's*, and crossing the Fifteenth *Massachusetts* Turnpike, to the bridge near Col. *David Tracy's*; thence as the road now runs, to a stake and stones near *Peter Chapin's*; and thence in the most convenient route, near the mill of *Davenport Adams*; thence in the most convenient route, near the dwelling-house of *Israel Baker*, in *Tyringham*, to the road leading from *Springfield* to *Great-Barrington*, by the dwelling-house of *Joseph Buel*, in said *Tyringham*: And the said road shall not be less than four rods wide, and the path to be travelled on not less than twenty feet wide in any part thereof: And when the said turnpike road shall be well and sufficiently made, and shall be so approved of by a Committee appointed by the Court of General Sessions of the Peace for the county of *Berkshire*, (*provided*, that no member of said Committee shall own any share or interest in said turnpike,) then the said Corporation shall be authorized to erect one turnpike gate on the said road, in such place and manner as shall be appointed by a Committee of the Court of General Sessions of the Peace for the said county of *Berkshire*: *Provided*, That said turnpike gate shall not be erected on any road at present travelled.

Course of the road.

When a gate may be erected.

SECT. 2. And be it further enacted, That said Corporation may purchase and hold land over which they may make the said road; and the Justices of the Court of General Sessions of the

Justices to lay out the road.

the

Land may be
taken.

the Peace in the county of *Berkshire* are hereby authorized, on the application of said Corporation, to lay out the said road, or any part thereof, as they, with the consent of said Corporation, shall think proper: And the said Corporation shall be liable to pay all damages which may arise to any person by taking his land for such road, where the same cannot be obtained by voluntary agreement, to be estimated by a Committee appointed by the Court of General Sessions of the Peace for the said county of *Berkshire*, saving to either party the right of trial by Jury, according to the law which makes provision for the recovery of damages arising from the laying out highways; and if said Jury shall increase the damage estimated by such Committee, the said Corporation shall be holden to pay the cost of such trial by Jury.

Rates of toll.

SECT. 3. *Be it further enacted*, That it shall be lawful for the said Corporation to demand and receive of each traveller or passenger the following rates of toll, viz. For every coach, chariot, phaeton, or other four-wheel carriage, drawn by two horses, *twenty-five cents*, and if drawn by more than two horses, an additional sum of *four cents* for each horse; for every cart or waggon, drawn by two oxen or horses, *ten cents*, and if drawn by more than two oxen or horses, the additional sum of *three cents* for each ox or horse; for every curricule, *twelve cents and five mills*; for every chaise, chair or other carriage, drawn by one horse, *twelve cents and five mills*; for every man and horse, *five cents*; for every sled or sleigh, drawn by two oxen or horses, *seven cents*, and if drawn by more than two oxen or horses, an additional sum of *two cents* for each ox or horse; for every sled or sleigh, drawn by one horse, *five cents*; for all horses, mules, oxen or neat cattle, led or driven, besides those in teams or carriages, *one cent* each; for all sheep or swine, at the rate of *three cents* per dozen: *Provided also*, That the said Corporation may, if they see fit, commute the rate of toll with any person, or with the inhabitants of any town through which the said road passes, by taking of him or them a certain sum annually, to be mutually agreed upon in lieu of the toll aforesaid: And the said Corporation shall, at the place where the toll shall be collected, erect in some conspicuous place, and constantly keep exposed to open view, a sign-board, with the rates of toll of all the tollable articles fairly and legibly written thereon in large or capital characters.

The toll may
be commuted.

SECT. 4. *And be it further enacted*, That if any person shall cut, break down or otherwise injure or destroy the said turnpike gate, or shall dig up or carry away any earth from the said road, or in any other manner damage the same, or shall forcibly pass, or attempt to pass the said gate by force, with intent to avoid

Penalty for
injuring road
or gate, &c.

for the payment of the legal toll at such gate, such person shall forfeit and pay a fine not exceeding *ten dollars* nor less than *five*

five dollars, to be recovered by the Treasurer of the said Corporation to their use, in an action of trespass: And if any person with his team, cattle or horse, shall turn out of said road to pass the said turnpike gate, and again enter on the said road, with intent to evade the toll due by virtue of this Act, such person shall forfeit and pay *two dollars*, to be recovered by the Treasurer of said Corporation, to the use of the same, in an action of debt: *Provided however*, That nothing in this Act shall extend to entitle the said Corporation to demand or receive toll of any person who shall be passing on foot, or with his horse or carriage to or from public worship, or with his horse, team or cattle, to or from his common labour on his farm, or to or from any mill, or on the common and ordinary business of family concerns, or from any person or persons passing on military duty.

— for attempting to evade the toll.

Exemptions.

SECT. 5. *And be it further enacted*, That if the said Corporation, or their toll-gatherers, or others in their employ, shall unreasonably delay or hinder any traveller or passenger, or shall demand or receive more toll than is by this Act established, the said Corporation shall forfeit and pay a sum not exceeding *ten dollars* nor less than *two dollars*, to be recovered before any Justice of the Peace for the county of *Berkshire*, by any person injured, delayed or defrauded, in a special action of the case; the writ in which shall be served on the said Corporation, by leaving a copy of the same with the Treasurer, or with some individual member living within the county of *Berkshire*, or by reading the same to the said Treasurer or individual member, at least seven days before the day of trial; and the said Treasurer, or individual member, shall be allowed to defend the same suit in behalf of the said Corporation: And the said Corporation shall be liable to pay all damages which may happen to any person from whom toll is demandable, for any damage which may arise from defect of bridges or want of repairs in the said way; and shall also be liable to presentment by the Grand Jury, for not keeping the same in good repair.

Penalty for delaying travellers, or exacting illegal toll,

Corporation liable for damages by defect of bridges, &c,

SECT. 6. *And be it further enacted*, That the shares in the same turnpike road shall be taken and deemed and considered to be personal estate, to all intents and purposes, and shall and may be transferable; and the mode of transferring the said shares shall be by deed, acknowledged before any Justice of the Peace, and recorded by the Clerk of said Corporation, in a book to be kept for that purpose: And when any share shall be attached on *mesne process*, or taken in execution, an attested copy of such writ of attachment or execution shall, at the time of attachment or taking in execution, be left with the Clerk of the said Corporation, otherwise the attachment or taking in execution shall be void; and such share or shares may be sold on execution in the same manner as is or may by law be provided for making sale

Shares to be considered personal estate; & mode of transfer & attachment prescribed.

sale of personal property on execution; and the officer making the sale, or the judgment creditor, leaving a copy of the execution, and the officer's return on the same, with the Clerk of the said Corporation, within fourteen days after such sale, and paying for the recording of the same, shall be deemed and considered as a sufficient transfer of such share or shares in the said turnpike road.

Shares of delin-
quents to
be sold.

SECT. 7. *And be it further enacted*, That whenever any Proprietor shall neglect or refuse to pay any tax or assessment, duly voted and agreed upon by the Corporation, to their Treasurer, within sixty days after the time set for the payment thereof, the Treasurer of said Corporation is hereby authorized to sell at public vendue the share or shares of such delinquent Proprietor, one or more, as shall be sufficient to defray said taxes and necessary incidental charges, after duly notifying in some newspaper printed in the county of *Berkshire*, the sum due on any such share or shares, and the time and place of sale, at least twenty days previous to the time of sale; and such sale shall be a sufficient transfer of the share or shares so sold, to the person purchasing; and on producing a certificate of such sale, from the Treasurer to the Clerk of said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the book of the said Corporation, and such person shall be considered to all intents and purposes the Proprietor thereof; and the overplus, if any there be, shall be paid on demand, by the Treasurer, to the person whose share or shares were thus sold.

When & where
the first meet-
ing is to be
held.

SECT. 8. *And be it further enacted*, That a meeting of said Corporation shall be held at the house of *Comfort Stow*, in *New-Marlborough*, in the county of *Berkshire*, on the first Monday in *September* next, for the purpose of choosing a Clerk, and such other officers as may then and there be agreed upon by the said Corporation, for regulating the concerns thereof; and that the said Corporation may then and there agree upon such method of calling meetings in future as they may judge proper.

Estimates of
expenses & dis-
bursements to
be exhibited.

SECT. 9. *And be it further enacted*, That the said Corporation shall, within six months after the said road is completed, lodge in the Secretary's office an account of the expenses thereof; and that the said Corporation shall annually exhibit to the Governor and Council a true account of the income or dividend arising from the said toll, with their necessary annual disbursements on the said road; and that the books of said Corporation shall at all times be subject to the inspection of a Committee to be appointed by the General Court, and to the inspection of the Governor and Council when called for.

Corporation
may be dissolv-
ed when in-
dennified.

SECT. 10. *And be it further enacted*, That the General Court may dissolve the said Corporation, whenever it shall appear to their satisfaction, that the income arising from the toll shall have fully

fully compensated the said Corporation for all monies they may have expended in purchasing, repairing and taking care of said road, together with an interest thereon at the rate of *twelve per cent.* by the year; and thereupon the property of the said road shall be vested in this Commonwealth, and be at their disposal: *Provided however*, That if the said Corporation shall neglect to complete the said turnpike road for the space of three years from the passing of this Act, the same shall be void and of no effect.

[This Act passed June 23, 1804.]

An ACT to incorporate the Plantation called *Barretstown* into a Town by the Name of *Hope*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the plantation heretofore called *Barretstown*, lying in the county of *Lincoln*, as described within the following boundaries, with the inhabitants thereon, be, and they are hereby incorporated into a town by the name of *Hope*: Beginning at the north-westerly corner of *Camden*, thence running north, fifty-six degrees east, on *Camden* line, five miles and one quarter of a mile; thence north, thirty-four degrees west, six miles, making a corner; thence south, fifty-six degrees west, five miles and one quarter of a mile, to *Union* line; thence south, thirty-four degrees east, by *Union* line and the line of the town of *Warren*, six miles, to the place of beginning: And the said town of *Hope* is hereby incorporated, and vested with all the powers, privileges, rights and immunities to which other towns are entitled by the Constitution and laws of this Commonwealth.

SECT. 2. *And be it further enacted*, That *Samuel Jacobs*, of *Camden*, in the county of *Lincoln*, Esquire, be, and he is hereby authorized to issue a warrant, directed to some suitable person, an inhabitant of the said town of *Hope*, requiring him to notify and warn the inhabitants thereof, to assemble at some convenient time and place as shall be expressed in the said warrant, for the choice of such town officers as towns are by law required to choose at their annual meetings in the months of *March* or *April* annually.

[This Act passed June 23, 1804.]

An ACT in addition to an Act, entitled, "An Act for incorporating *Joseph Noyes* and others, by the Name and Style of *The Proprietors of the Falmouth Canal*."

June 25, 1795.
Jan. 24, 1804.

Number of
shares, mode of
transfer, &c.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the stock, property and estate which may belong to the said Proprietors shall be divided into four thousand shares, which shall be divided among and held by the present Proprietors according to the proportion of interest which they now severally hold therein, and certificates of such shares signed by the President, shall be issued to them accordingly; which shares shall be transferable by indorsement on such certificates; and the property shall be vested in the vendee, when a record shall be made thereof by their Clerk and new certificates shall be issued accordingly; and such shares shall in all respects be considered as personal estate.

Shares liable to
attachment, &
mode prescribed.

SECT. 2. *And be it further enacted,* That the share or shares of any of the aforesaid Proprietors, with the dividends thereon due, shall be liable to attachment and execution in favour of any *bona fide* creditor, in the manner following, viz. Whenever a proper officer, having a writ of attachment or execution against any such Proprietor, shall apply with such writ or execution to the said Clerk, it shall be the duty of the said Clerk to expose the books of the said Proprietors to such officer, and furnish him with a certificate under his hand, in his official capacity, ascertaining the number of shares belonging to the said Proprietor, the amount of the dividends thereon due; and when any such share or shares shall be attached on *mesne process* or taken in execution, an attested copy of such writ of attachment or execution shall be left with the said Clerk; and such share or shares may be sold on execution in the same manner as other personal property taken in execution; and it shall be the duty of such officer making such sale, within ten days thereafter, to leave an attested copy of such execution, with his doings thereon, with the said Clerk, and the property of such shares thus sold shall be vested in the vendee, with the dividends arising on the same, after attachment or taking in execution.

Amount of es-
tate allowed to
be held.

SECT. 3. *And be it further enacted,* That the Proprietors aforesaid be, and hereby are made capable in law to have, hold, purchase, enjoy and retain, to them, their successors and assigns, lands, rents, tenements and hereditaments to the amount of *one hundred and twenty thousand dollars*, including the value of such real estate as they are already made capable of holding by the Act to which this is an addition.

SECT.

SECT. 4. *Be it further enacted*, That the toll already established and granted said Proprietors shall commence at the day when the said Canal shall be completed, and continue for and during the term of one hundred years from the same day ; any thing in the act to which this is in addition to the contrary notwithstanding.

Commence-
ment and du-
ration of toll.

[This Act passed June 23, 1804.]

An ACT to render valid the doings of certain Persons who were Deputies under *Thomas Phillips*, Esq. late Sheriff of the County of *Hancock*, at the Time of his Resignation.

WHEREAS divers writs and precepts have been served and executed, since the resignation of the said *Phillips*, by certain persons who were Deputies under him at that time :

Preamble.

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all writs and precepts served and executed since the resignation of the said *Phillips*, and before the qualification of his successor in said office, by his giving bonds as the law directs, by any persons who were Deputies under the said *Phillips* at the time of his resignation, shall be considered and taken as legally served and executed, in the same manner as they would have been had said *Phillips* continued in said office during that time ; and the doings of said persons within the time aforesaid, by virtue of such writs and precepts, are hereby rendered and declared to be valid to all intents and purposes, so far as the same were in other respects done according to law.

The doings of
the Deputies
rendered valid.

[This Act passed November 20, 1804.]

An ACT to change the Name of *Bela Nichols*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Bela Nichols*, of *Springfield*, in the county of *Hampshire*, printer, be, and he hereby is allowed to take the name of *Francis D. Nichols* ; and that he shall in future be known and called by the name of *Francis D. Nichols*, and the same shall be considered as his proper name to all intents and purposes.

[This Act passed November 21, 1804.]

An ACT to change the Name of *Bela Snow*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Bela Snow*, son of the late *Sylvanus Snow*, of *Brewster*, in the

the county of *Barnstable*, deceased, be, and he hereby is allowed to take the name of *Sylvanus Snow*; and that he shall be in future known and called by the name which he is so allowed to take as aforesaid, and the same shall be considered as his only proper name to all intents and purposes.

[This Act passed November 22, 1804.]

An ACT to incorporate the Proprietors of the Public Bathing-House in *Boston*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Aaron Dexter, Thomas Welsh, Stephen Codman, Sylvanus Gray, John C. Howard, Richard D. Tucker, Allen Pollock, and all such persons as are or may be associated with them, for the purpose of erecting and keeping a Bathing-House in Boston, and their successors, shall be, and they hereby are made a Corporation, by the name of The Proprietors of the Bathing-House in Boston; and by that name may sue and be sued, and may have a common seal; and may have and enjoy all the privileges and powers which are by law incident to a Corporation, for the purpose of keeping, using and improving a public building or buildings, with all necessary and convenient appurtenances for bathing.*

Persons incor-
porated.

Seal allowed,
&c.

How meetings
are to be call-
ed, and what
officers chosen.

SECT. 2. *And be it further enacted by the authority aforesaid, That Aaron Dexter, Thomas Welsh, Sylvanus Gray, or any one of them, may, by an advertisement in one or more of the newspapers printed in Boston, call a meeting of said Proprietors, to be held at any suitable time and place after ten days notice; and the said Proprietors, by the vote of the major part of those present or represented at said meeting, may choose a President, a Treasurer, a Clerk, and six Directors, and may vest in them such powers as they may deem necessary; and may determine how often, and in what manner, and at what times, said officers shall be chosen, and in what manner future meetings shall be called and held.*

Estate to be
held & shares
issued.

SECT. 3. *And be it further enacted by the authority aforesaid, That the said Corporation, be, and the same hereby is authorized and empowered to purchase and hold real estate, to the value of twenty thousand dollars; and that the whole interest shall be divided into one hundred shares, which shares shall be deemed and considered to all intents and purposes as personal property, and ownership thereof shall be evidenced by a certificate signed by the President, and countersigned by the Clerk, and sealed with the common seal; and such share shall be transferable by the owner personally, or by attorney, upon the books to be kept by the Clerk for that purpose; and such owner,*
upon

upon making such transfer, shall deliver up his certificate to be cancelled.

SECT. 4. *Be it further enacted by the authority aforesaid,* That the property of every individual member in said Corporation, vested therein, shall be liable to attachment, and to the payment and satisfaction of his just debts, to any of his *bona fide* creditors, in manner following, viz. In addition to the summons by law prescribed to be left with the debtor, a like summons shall be left with the Clerk of the said Corporation; and the debtor's shares in said Corporation, together with any interest, profits or rents of any kind due or growing due thereon, shall be held to respond said suit according to law; and all transfers of the debtor's shares, not noted in the Clerk's books previous to the delivery of such summons, shall be barred thereby; and execution may be levied upon the property of any member of said Corporation, and his shares therein be exposed to sale in the same way as is by law provided and established where personal estate is taken in execution; and it shall be the duty of the officer who extends such execution, to leave an attested copy thereof, with his doings thereon, with the Clerk of said Corporation; and the purchaser shall thereupon be entitled to all dividends and stock, and to the same privileges as a member of said Corporation, that the debtor previously was entitled to; and upon attachment being made or execution levied on any shares in said Corporation, it shall be the duty of the Clerk to expose the books of said Corporation to the officer, and to furnish him with a certificate under his hand, in his official capacity, ascertaining the number of shares the debtor holds in said Corporation, and the amount of the dividend, if any, thereon due.

Shares, &c. liable to attachment, & manner prescribed.

[This Act passed January 24, 1805.]

An ACT in addition to An Act, entitled, "An Act for incorporating certain Persons for the Purpose of laying out and making a Turnpike Road from Newburyport to Chelsea Bridge."

WHEREAS the Proprietors of the Newburyport Turnpike, by their Directors, have represented to this Court that they have already completed a considerable portion of their said road, and are yet proceeding in that work, but that as the expense attending said undertaking has already greatly exceeded the sum originally contemplated, and that as they are not allowed by their Act of incorporation to receive toll of passengers on their said road until the whole thereof be completed, many persons already travel on the same without paying said Corporation any compensation therefor;

Preamble.

SECT.

Commissioners
to be appointed
to locate
gates.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That His Excellency the Governor be, and he hereby is authorized to appoint three Commissioners, who shall have authority forthwith to repair to the said road; and they or a major part of them, may, if they think proper, and said Directors desire it, determine upon, locate and establish toll gates on such part of said turnpike road as they shall deem sufficiently made, at which said Corporation shall have a right to demand and receive of all travellers and passengers the rates of toll established by said incorporating Act, in the same manner as by said Act they would have been entitled to do after the whole of said road should have been completed: And whereas said turnpike road is so laid out as to intersect a great number of highways in such a manner that the payment of toll may often be eluded by persons travelling over considerable portions of said turnpike road, unless said Corporation be authorized to erect a greater number of toll gates than by said incorporating Act is allowed: Therefore,

Number of
toll-gates to be
established to
be more than
three and not
exceeding six.

SECT. 2. *Be it further enacted,* That said Commissioners or a major part of them may, at the request of said Corporation, determine upon, locate and establish such a number of toll gates, more than three and not exceeding six, as they shall think fit, upon such parts of said turnpike road as they may deem sufficiently made; at each of which gates, or at such of them as said Commissioners shall designate for that purpose, the said Corporation shall have a right to demand and receive half the rates of toll established by said incorporating Act, to be paid at the three gates thereby allowed, and no more: *Provided,* that the toll which said Corporation shall have a right to demand at all the gates which may be established on said turnpike road shall not exceed the rates of toll allowed by said incorporating Act to be demanded for passing over the whole thereof: And said Commissioners in locating and designating said toll gates are enjoined to govern themselves accordingly: And said Commissioners, or a major part of them, shall make return of their doings in the premises into the office of the Secretary of this Commonwealth, to be by him recorded at the expense of said Corporation.

The penalties,
&c. of former
Act to apply
to the gates,
&c. now allow-
ed.

SECT. 3. *Be it further enacted,* That the penalties, provisions and restrictions created by the Act to which this is in addition, relating to the toll gates and the regulation and payment of toll, shall apply as fully to the gates and payment of toll hereby allowed, as though the same had been originally allowed in that Act.

[This Act passed February 2, 1805.]

An

An ACT in addition to an Act, entitled “An Act to incorporate *Jonathan Mason*, and others, into a Company by the Name of *The Union Marine Insurance Company*.”

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this Act, the capital stock of the said Union Marine and Insurance Company, which now consists of two hundred and fifty thousand dollars, shall be reduced to two hundred thousand dollars, exclusive of premium notes and profits arising from their business, and shall be divided into two thousand five hundred shares, each share to consist of eighty dollars, of which capital stock a sum not exceeding twenty thousand dollars may be vested in real estate: Provided, That nothing herein contained shall affect or diminish the number of shares which any Stockholder now holds, or is entitled to, in the capital stock of said Company, but the same shall remain as though this Act had not been made.* Capital reduced.

SECT. 2. *And be it further enacted, That nothing contained in this Act shall prejudice or affect any policy of insurance heretofore made by said Company, but in case of any loss or losses arising or happening on any such policy heretofore made, the party insured thereby shall have the same remedy, and the estate of each Proprietor or Stockholder shall be held accountable therefor in the same manner and to the same amount as if this Act had not been made.* Policies not affected.

[This Act passed February 4, 1805.]

An ACT to incorporate the Persons herein named into a Company by the Name of *The Broad Street Association in the Town of Boston*.

WHEREAS sundry persons, Proprietors of the ship-yard and of certain wharves and flats lying on the harbour of Boston, between *Battery-march Street* and *State Street* in said town, have associated for the purpose of improving said land, and laying out a spacious street near the harbour, through their said estates, which will be conducive to public accommodation: Preamble.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Uriah Cotting, James Lloyd, jun. Benjamin Buffey, Francis Cabot Lowell, Rufus Greene Amory, Joshua Loring, John I. Loring, and Samuel D. Harris, Proprietors of the said ship-yard,* Persons incorporated.

Corporation
may sue and be
sued, &c.

yard, wharves and flats, with such of the Proprietors of the other wharves and estates between said limits as may hereafter associate with them and their successors and assigns, being citizens of the *United States*, shall be, and hereby are constituted a Body Politic and Corporate by the name of *Broadstreet Association in the Town of Boston*, for and during the term of seven years, and no longer; and the said Corporation, by the said name, are hereby declared and made capable in law to sue and be sued, to implead and be impleaded, to have a common seal, and alter and renew the same at pleasure, to make rules and by-laws for the regulation and management of the said estates, consistent with the laws of the Commonwealth, and generally to do and execute whatever by law shall appertain to Bodies Politic.

Corporation
allowed to hold
lands, form
streets, &c.

SECT. 2. *And be it further enacted by the authority aforesaid*, That the said Corporation shall be, and hereby is declared capable to purchase, have, hold and possess the said ship-yard, wharves, lands and appurtenances, lying between *Battery-march Street* and *State Street* aforesaid, or such parts thereof as may be conveyed to the said Corporation by the said individual Proprietors, and shall have power, with the approbation of the Selectmen of *Boston*, to lay out one or more streets through the same, to build walls to protect the same from the sea, and to erect buildings thereon, and the said corporate property, or any part thereof, to grant, sell and alien, in fee simple or otherwise, and to lease, exchange, manage and improve the same, according to the will and pleasure of the said associates, or a major part of them, to be expressed by their votes at any legal meeting.

Certificates of
shares to be
issued.

SECT. 3. *Be it further enacted*, That the said associates may, at any legal meeting, agree upon the number of shares into which the said estate shall be divided, not exceeding five hundred, and upon the form of certificates to be given to individuals of the number of shares by them respectively held, and upon the mode and conditions of transferring the same; which shares shall be held and considered as personal estate; they shall also have power to assess upon each share such sums of money as may be deemed necessary for street, sea-walls, erecting buildings, purchasing lands within the aforesaid limits, and generally for the improvement and good management of said estate, agreeably to the true intent of this Act; and to sell and dispose of the said shares for the payment of assessments, in such way and manner as said Corporation may determine: *Provided however*, That the value of the buildings which may be erected on the premises by the said associates, and held by them, or for their use as a Corporation, shall not exceed, at any one time, *four hundred thousand dollars*, exclusive of the land,

SECT.

SECT. 4. *Be it further enacted*, That the property of every individual member of said Corporation, vested in said corporate fund or estate, shall be liable to attachment and to the payment of his just debts, in manner following, viz. In addition to the summons by law prescribed to be left with the debtor, a like summons shall be left with the Secretary or Clerk of said Corporation, and the debtor's share or shares in the corporate funds shall be held thereby to respond said suit according to law; all transfers of the debtor's shares in the said corporate funds, not noted in the books of the Corporation previously to the delivery of such summons, shall be barred thereby; and execution may be levied on the property of any Stockholder in the said Corporation, and his shares therein exposed to sale in the same manner as is by law provided when personal estate is taken in execution; and it shall be the duty of the officer who extends such execution to leave an attested copy thereof, with his doings thereon, with the Clerk or Secretary of said Corporation, and the purchaser shall thereupon be entitled to the reception of all dividends and stock, and to the same privileges as a member of the said Corporation, that the debtor was previously entitled to, and to none other; and it shall be the duty of the Secretary or Clerk to expose the books of said Corporation to the officer, so far as respects the number of shares said debtor may own, and to furnish him with an official certificate of the number of shares owned by said debtor.

Shares of individuals may be attached; and the mode prescribed.

SECT. 5. *And be it further enacted*, That any two of the associates may call a meeting by advertising the same in any two of the public newspapers printed in *Boston*, at least three days before the time of meeting; and at that or any other meeting may elect such President, Trustees, Directors, Secretary, Clerk or other officers, and for such term of time, not exceeding one year, as they may judge fit, and the same at pleasure change or remove; and in the choice of officers, or on any other occasion when it shall be required by a major part of the members present at any meeting, the votes may be given by shares; *provided only*, that no one member shall have more than five votes.

Officers to be chosen.

SECT. 6. *Be it further enacted*, That nothing herein contained shall be deemed or construed to give to said Proprietors any right or authority to take or appropriate to their use the land, right or privilege of any person or persons without his or their consent, and by a legal conveyance thereof from such person or persons to the said Corporation.

Land, &c. not to be taken without the consent of the owner.

SECT. 7. *And be it further enacted*, That at the expiration of said term of seven years, all real estate then belonging to said Corporation shall be, and hereby is vested in such persons

At the end of seven years the estate to be vested in the

the then mem- as may then be the members thereof, and their respective
bers of the heirs and assigns, as tenants in common, in proportion and ac-
Corporation. cording to the number of shares they may then hold.

[This Act passed February 11, 1805.]

An ACT to authorize *William Flitner*, and others, to build a Bridge across *Robinhood's Cove*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *William Flitner* and *Benjamin Riggs*, together with their associates, and those who shall hereafter associate with them, be, and they hereby are permitted to build a Bridge over both branches of *Robinhood's Cove*, at or near the mills on said cove, in the town of *Georgetown*, in the county of *Lincoln*; provided the said Bridge be so constructed as to admit the passing gondolas loaded with hay.

[This Act passed February 11, 1805.]

An ACT in addition to an Act, entitled, "An Act for incorporating certain Persons for the Purpose of laying out and making a Turnpike Road, from *Quincy Meeting-House* to a Place called *Queen Ann's Corner*, on the Borders of *Hingham* and *Scituate*, and for building the necessary Bridges on said Road, and for supporting the same."

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the *Braintree* and *Weymouth Turnpike Corporation*, be, and are hereby authorized and empowered to demand and receive one cent from all foot passengers and travellers, passing over the bridge in *Braintree*, built from *Thomas's Point*, so called, to the west end of *Minot Thayer's* wharf.

SECT. 2. And be it further enacted, That the Governor and Council be, and hereby are empowered to appoint a special Committee, at the expense of said Corporation, to approve of the road from *Tuft's* store to *Queen Ann's Corner*, when the same shall be completed; any law to the contrary notwithstanding.

[This Act passed February 11, 1805.]

An

An ACT to set off *Jedediah Little* from the South Parish in the Town of *Marshfield*, and to annex him and his Estate to the North Parish in the said Town.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Jedediah Little, of Marshfield, in the county of Plymouth, with his polls and estate, be, and hereby is set off from the south and annexed to the north parish in the said town of Marshfield: Provided, That the said Jedediah Little shall previously pay his proportion of all parish charges assessed upon and due to the said south parish prior to the date of this Act.

[This Act passed February 11, 1805.]

An ACT to incorporate *Thomas Hazard, jun. and others*, into a Company, by the Name of *The Bedford Marine Insurance Company*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said Thomas Hazard, jun. and others, petitioners, and all such persons as have already, or shall hereafter become Stockholders in said Company, being citizens of the United States, be, and they are hereby incorporated into a Company and Body Politic, by the name of The Bedford Marine Insurance Company, for and during the term of twenty years after the passing of this Act; and by that name may sue or be sued, plead or be impleaded, appear, prosecute and defend to final judgment and execution, and have a common seal, which they may alter at pleasure; and may purchase, hold and convey any estate, real or personal, for the use of said Company, subject to the restrictions hereinafter mentioned.*

Time which the Corporation is to continue.

SECT. 2. *And be it further enacted, That a share in the capital stock of the said Company shall be one hundred dollars, and the number of shares shall be one thousand five hundred; and if the said number of shares are not already filled, subscriptions shall be kept open, under the inspection of the President and Directors of the said Company, until the same shall be filled; and the whole capital stock, estate or property which the said Company shall be authorized to hold, shall be one hundred and fifty thousand dollars, exclusive of premium notes, or profits arising from their business; of which capital stock or property not more than fifteen thousand dollars shall be invested in real estate.*

Value of shares and amount of capital.

Real estate.

SECT.

Seven Directors to be chosen, and the manner of their election prescribed.

SECT. 3. *And be it further enacted*, That the stock, property, affairs and concerns of the said Company shall be managed and conducted by seven Directors, one of whom shall be President thereof, who shall hold their offices for one year, and until others shall be chosen, and no longer; which Directors shall, at the time of their election, be Stockholders, and citizens of this Commonwealth; and shall be elected on the second Monday of *April*, in each and every year, at such time of the day, and at such place in the town of *New-Bedford*, as a majority of the Directors for the time being shall appoint, of which election public notice shall be given by publication in the *Courier* printed in *New-Bedford*, for the space of ten days immediately preceding such election; and such election shall be holden under the inspection of at least three Stockholders, not being Directors, to be appointed previous to every election by the Directors, and shall be made by ballot, by a majority of votes of the Stockholders present, allowing one vote to each share in the capital stock: *Provided*, no Stockholder shall be allowed more than ten votes; and the Stockholders not present may vote by proxy, under such regulations as the Company shall prescribe: And if in case of any unavoidable accident the said Directors shall not be chosen on the said second Monday of *April* as aforesaid, it shall be lawful to choose them on another day, as shall be appointed by the President and two Directors: And no person being a Director of any other Company carrying on the business of marine insurance, shall be eligible as a Director of the Company by this Act established.

A President to be chosen, and to be under oath.

SECT. 4. *And be it further enacted*, That the Directors so chosen shall meet as soon as may be after every election, and shall choose out of their number one person to be President, who shall preside until his successor shall be chosen, and shall be under oath or affirmation faithfully to discharge the duties of his office; and in case of the death, resignation or inability to serve, of the President or any Director, such vacancy shall be filled, for the remainder of the year in which they shall happen, by a special election for the purpose, to be held in the same manner as is herein before directed respecting annual elections for Directors and President.

Board of Directors and their powers.

SECT. 5. *And be it further enacted*, That the President and two of the Directors, or three of them in his absence, shall be a Board competent to the transacting of business; and all questions before them shall be decided by a majority of votes; and they shall have power to make and prescribe by-laws, rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of said Company, and the transfer of the shares, and touching the duties and conduct of the several officers, clerks and servants employed, and the election of Directors, and all

all such matters as appertain to the business of insurance; and shall have power to appoint a Secretary, and so many clerks and servants for carrying on of said business, and with such salaries and allowances to them, and to the President, as to the said Board shall seem meet: *Provided*, That such by-laws, rules and regulations shall not be repugnant to the Constitution and laws of this Commonwealth.

SECT. 6. *And be it further enacted*, That there shall be stated Meetings of the Directors at least once in every month, and as often within each month as the President and Board of Directors shall deem proper; and the President, and a Committee of two of the Directors, to be by him appointed in rotation, shall meet daily, if need be, for the dispatch of business; and the said Board of Directors, and the Committee aforesaid, at and during the pleasure of the Board, shall have power and authority, on behalf of the Company, to make insurance upon vessels, freights, money, goods and effects, and against the captivity of persons, and on the life of any person during his absence by sea, and in cases of money lent upon *bottomry* and *respondentia*; and to fix premiums and terms of payment: And all policies of insurance by them made shall be subscribed by the President, and in case of his death, sickness, inability or absence, by any two of the Directors, and countersigned by the Secretary, and shall be binding and obligatory upon the said Company, and have the like effect and force as if made under the seal of the Company; and the assured may thereupon maintain an action of the case against the said Company; and all losses duly arising under any policy so subscribed, may be adjusted and settled by the President and Board of Directors, and the same shall be binding on the Company.

SECT. 7. *And be it further enacted*, That it shall be the duty of the Directors, on the second Monday of *January* and *July* in every year, to make dividends of so much of the interest arising from their capital stock, and the profits of said Company, as to them shall appear advisable; but the monies received, and the notes taken for premiums on risks, which shall be undetermined and outstanding at the time of making such dividends, shall not be considered as part of the profits of the Company: And in case of any loss or losses whereby the capital stock of the Company shall be lessened, each Proprietor or Stockholder's estate shall be held accountable for the deficiency that shall be due on his share or shares, at the time of said loss or losses taking place, to be paid unto the said Company by assessments, or such other mode, and at such time or times as the President and Directors shall order; and no subsequent dividend shall be made until a sum equal to such diminutions shall have been added to the capital; and that once in every two years, and oftener if required by a majority of the votes of the Stockholders, the Directors shall

Meetings of
Directors. A
Committee to
meet daily to
make insuranc-
es, &c.

Semi-annual
dividends to be
made.

Case of loss or
losses affecting
the capital
stock.

shall lay before the Stockholders, at a legal meeting, an exact and particular statement of the profits, if any there be, after deducting losses and dividends.

Company not
to trade in
merchandise,
&c.

SECT. 8. *And be it further enacted*, That the said Company shall not directly or indirectly deal or trade in buying or selling any goods, wares, merchandize, or commodities whatever, other than such as may be abandoned by the assured; and the capital stock of said Company, after being collected at each instalment, shall, within six months, be vested either in the funded debt of the *United States*, or of this Commonwealth, or in the stocks of the *United States' Bank*, or of any incorporated Bank of this Commonwealth, at the discretion of the President and Directors of said Company, or of other officers which the Stockholders shall for such purpose appoint.

Payment for
shares.

SECT. 9. *And be it further enacted*, That fifty dollars on each share in said Company shall be paid within ninety days after the first meeting of the said Company; and the remaining sum due on each share within one year after said first meeting, by such equal instalments, and under such penalties as the said Company shall direct; and no transfer of any share in said Company shall be permitted, or be valid, until all the instalments on such shares shall have been paid.

Shares liable
to attachment
and execution.

SECT. 10. *And be it further enacted*, That the property of any member of said Company, vested in the stock of said Company, with the dividend or dividends due thereon, shall be liable to attachment and execution in favour of any *bona fide* creditor, in manner following, viz. Whenever a proper officer, having a writ of attachment or execution against any such member, shall apply with such writ or execution to the Secretary of said Company, it shall be the duty of said Secretary to expose the books of the Corporation to such officer, and furnish him with a certificate, under his hand in his official capacity, ascertaining the number of shares the said member holds in said Company, and the amount of the dividend or dividends due thereon; and when any such share or shares shall be attached on *mesne process*, or taken in execution, an attested copy of such writ of attachment or execution shall be left with the said Secretary; and such share or shares may be sold on execution, after the same notification of the time and place of sale, and in the same mode of sale as other personal property; and it shall be the duty of the officer making such sale, within ten days thereafter, to leave an attested copy of the execution, with his return thereon, with the Secretary of the Company, and the vendee shall thereby become the Proprietor of such share or shares, and entitled to the same, and to all the dividends which shall have accrued thereon after the taking in execution as aforesaid, or when there shall have been a previous attachment, after such attachment, notwithstanding any intervening transfer.

SECT.

SECT. 11. *And be it further enacted*, That in case of any loss or losses taking place that shall be equal to the amount of the capital stock of the said Company, and the President and Directors, after knowing of such loss or losses taking place, shall subscribe to any policy of insurance, their estates jointly and severally shall be accountable for the amount of any and every loss which shall take place under policies thus subscribed.

Case of insurance after losses equal to the amount of the capital.

SECT. 12. *And be it further enacted*, That the President and Directors of the said Company shall, previous to their subscribing to any policy, and once in every year after, publish in the *Courier*, or any other newspaper printed in said town, the amount of their stock, against what risks they mean to insure, and the largest sum they mean to take on any one risk: And the said President and Directors shall not be allowed to insure on any one risk, a larger sum than *ten per centum* of the amount of the capital stock of said Corporation actually paid in.

Annual publication of amount of capital, &c. to be made.

SECT. 13. *And be it further enacted*, That the President and Directors of said Company shall, when, and as often as required by the Legislature of this Commonwealth, lay before them a statement of the affairs of said Company, and submit to an examination under oath or affirmation concerning the same.

Statements to be made to the Legislature.

SECT. 14. *And be it further enacted*, That *Thomas Hazard, jun. Abraham Russell, and Daniel Ricketson*, or any two of them, be, and hereby are authorized to call the first meeting of the members of said Company, by advertizing the same in the *Courier* printed in *New-Bedford*, in two successive papers, for the purpose of electing their first Board of Directors, who shall continue in office until the second Monday of *April*, one thousand eight hundred and six, and until others are chosen in their stead.

First meeting.

[This Act passed February 11, 1805.]

An ACT in addition to an Act, entitled, "An Act to incorporate *George Dodge*, and others, into a Company, by the Name of *The Salem Marine Insurance Company*."

SECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Secretary of said Company may, and shall at any time hereafter, upon the application in writing of the President and the major part of the Directors, or of the Proprietors of two hundred shares of said capital stock, call a meeting of the Sockholders, to be holden at such time and place in said *Salem* as he shall direct, for the purposes mentioned in such application, by advertizing the same in one of the newspapers printed in *Salem*, at least seven days before the time appointed for such meeting.

How stockholders' meeting may be called.

SECT.

An ACT to incorporate a Number of the Inhabitants of the Town of *Turner*, in the County of *Cumberland*, into a Religious Society, by the Name of *The Universalists' Society in Turner*.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Benjamin Chamberlain, Cyrus Leavitt, Joseph Leavitt, jun. Jabez Merrill, Arthur Bradman, Samuel Pumpilly, Levi Merrill, Seraiah Merrill, Hezekiah Bryant, jun. Richard Philips, Jesse Bradford, David Hood, Reuben Thorp, Jeremiah Coburn, John Soul, Nathaniel Sawtill, jun. Aaron Soul, Nathaniel Sawtill, Benjamin Sawtill, Joshua Whitman, Eliza Pratt, Ezekiel Bradford, jun. Isaac Jones, Benjamin Jones, jun. Bennet Pumpilly, Jabez Merrill, jun. Abraham Maxem, jun. Richard Phillips, jun. Cushing Philips, Robert Bradman, Josiah Gilbert, Elijah Gilbert, jun. Edward Keen, Church Pratt, Joseph Merrill, Jabez T. Merrill, Caleb Gilbert, Moses Allen, William Bradford, Ephraim Turner, Asa Bradford, Joseph Bonney, Abiel Turner, Isaac Leavitt, Chandler Bradford, Henry Jones, jun. William Gorham, William Bradford, jun. Samuel Kensley, Samuel Kensley, jun. Ichabod Bonney, jun. Daniel French, jun. George French, and Elijah Gilbert, with their families and estates, be, and they are hereby incorporated into a religious Society, by the name of *The Universalists' Society in Turner*, with all the powers, privileges and immunities to which other parishes are entitled by the Constitution and laws of this Commonwealth, for religious purposes only.

Names of persons incorporated.

How to become a member.

SECT. 2. *Be it further enacted*, That any person belonging to the said town of *Turner*, who may, at any time within one year from the passing of this Act, actually become a member of, and unite in religious worship with the Society aforesaid, and give in his or her name to the Town-Clerk of said *Turner*, with a certificate signed by the Minister or Clerk of said Society, that he or she has actually become a member of, and united in religious worship with the Universalists' Society aforesaid, fourteen days at least previous to the town-meeting to be holden in said town of *Turner*, in the months of *March* or *April* annually, shall, from and after giving such certificate, with his or her polls and estates, be considered as part of said Society: *Provided however*, That such person or persons shall be holden to pay their proportion of all money assessed in said town of *Turner* previous to that time.

SECT. 3. *Be it further enacted*, That if any member of said Universalists' Society, shall at any time within one year from the passing of this Act, see cause to leave the same, and unite in religious worship with any other religious Society in said town

How to leave the Society.

of

of *Turner*, and shall lodge a certificate of such his or her intention with the Minister or Clerk of said Universalists' Society, and also with the Clerk of the town of *Turner*, fourteen days at least before the town-meeting in the months of *March* or *April* annually, and shall pay his or her proportion of all money assessed in said Society previous thereto, such person shall, from and after giving such certificate, with his or her polls and estates, be considered as belonging to the town or parish in which he or she may reside, in the same manner as if he or she had never belonged to the said Universalists' Society.

First meeting. SECT. 4. *And be it further enacted*, That any Justice of the Peace in the county of *Cumberland*, be, and hereby is authorized to issue a warrant, directed to some suitable member of said Universalists' Society, requiring him to notify and warn the members thereof, to meet at such time and place in said town as shall be directed in said warrant, to choose such officers as parishes in this Commonwealth are by law authorized to choose in the months of *March* or *April* annually.

[This Act passed *February 16, 1805.*]

An ACT in addition to an Act, entitled, "An Act for regulating the Proprietors of the Meadow and Flat Ground within the Cove, called Little Harbour, in the town of *Hingham*, in the County of *Suffolk*."

Preamble.

WHEREAS by the Act to which this in addition, no provision is made to prevent the taking and carrying away from below the dam or from off the beach surrounding said meadow and flat ground stones, gravel, sand or other materials, by which the same might be greatly injured : Therefore,

Stones, gravel,
&c. not to be
removed.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this Act, it shall not be lawful for any person or persons to take, carry away, or remove, by land or by water, from below the dam, or from off the beaches surrounding the said meadow or flat ground any stones, gravel or sand, wood, brush, or grass now growing or which shall hereafter grow on said beaches ; and that every person so offending, and being convicted thereof, shall forfeit and pay for each and every ton of stones, gravel and sand, and for each and every cord of wood or brush, so taken and carried away, *five dollars* ; and in proportion for a greater or less quantity, with costs of suit, to be recovered by an action of trespass in any Court proper to try the same, the one half

to

to the use of the complainant, the other to the Proprietors of said meadow and flat ground.

SECT. 2. *Be it further enacted*, That all horses, cattle, sheep or swine found running or feeding on said beaches shall be liable to be taken up and impounded by any of said Proprietors, and dealt with in the same manner as if they had been taken in the town ways when prohibited by the town from running at large.

Horses, &c.
found on the
beach may be
impounded.

[This Act passed February 18, 1805.]

An ACT to incorporate the District of *Carlisle*, in the County of *Middlesex*, into a Town by the Name of *Carlisle*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the district of *Carlisle*, in the county of *Middlesex*, be, and hereby is incorporated into a town by the name of *Carlisle*: And the said town is hereby vested with all the powers, privileges and immunities to which other towns are entitled by the Constitution and laws of this Commonwealth.

Carlisle incor-
porated.

SECT. 2. *Be it further enacted*, That the said town of *Carlisle* shall be liable to be assessed for the pay of Representatives heretofore chosen, in the same manner and in the same proportion as if this Act had not passed.

Pay of repre-
sentatives.

[This Act passed February 18, 1805.]

An ACT to change the Name of *Pepperelborough* to *Saco*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this Act, the name of the town of *Pepperelborough*, in the county of *York*, shall cease, and the said town shall hereafter be called and known by the name of *Saco*, and by this name shall be entitled to all the rights and privileges, and subject to all the duties and obligations to which it would have been entitled and subjected if the name had not been changed as aforesaid.

[This Act passed February 23, 1805.]

An

An ACT to authorize the Second Parish in Scarborough to dispose of certain Real Estate.

Allowed to sell
a lot of land.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the inhabitants of the second parish in Scarborough, in the county of Cumberland, be, and they are hereby authorized and empowered, with the consent of the Rev. *Nathan Tilton* their pastor, to sell and convey in fee simple a certain lot of land in said town belonging to said parish, whereon the parsonage house formerly stood, containing one acre and one half, and to make, execute and acknowledge a good and sufficient deed or deeds thereof, which deed or deeds, subscribed by their Treasurer by direction of said parish, shall be good and effectual in law to pass and convey the fee simple from said parish to the purchaser to all intents and purposes whatsoever.

Disposal of
money arising
from the sale.

SECT. 2. *Be it further enacted,* That the money arising from the sale of said lot of land, shall be laid out in purchasing a piece of salt marsh adjoining the parsonage lot of marsh, or in some other convenient place in said parish; or the same may be invested in bank stock; or be put at interest and secured by mortgage of real estate to the full value thereof, or by two sufficient sureties with the principal; and in either case the use and improvement thereof shall forever hereafter be appropriated to the use of the Congregational ministers in said parish.

Exchange of
marsh allowed.

SECT. 3. *Be it further enacted,* That said parish be, and they are hereby authorized and empowered, whenever they judge proper, with the consent of the Rev. *Nathan Tilton* their pastor, to exchange all that part of the parsonage lot of marsh which lies northerly of the first Cumberland Turnpike, and that part also which is bounded westerly by a crooked creek, with *Cyrus Foss*, for so much marsh as will be an equivalent therefor, in a more eligible and convenient situation for the minister of said parish, and to make and execute a good and sufficient deed of the marsh so exchanged to said *Foss*, in manner as is provided in the first section of this Act.

[This Act passed February 23, 1805.]

An ACT incorporating fundry Persons residing in the Towns of *Sheffield*, *West-Stockbridge*, and *Stockbridge*, into *The Protestant Episcopal Society of Great-Barrington*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *Job Westover*, *Joseph Wilcox*, *Zachariah Spalding*,

Spalding, and Stephen Stevens, of Sheffield; Ezekiel Stone, Silas Stone, and Elijah Andrews, of West-Stockbridge; and Clark Baldwin, of Stockbridge, in the county of Berkshire, together with their families, polls and estates, be, and they hereby are incorporated into The Protestant Episcopal Society of Great-Barrington.

Persons incorporated.

SECT. 2. *Be it further enacted, That any person belonging to either of the said towns of Sheffield or West-Stockbridge, being of the Episcopal denomination, and who shall unite in religious worship with said Society, and shall, within one year from the passing of this Act, leave a certificate signed by the Minister or Clerk thereof, with the Clerk of the town to which he belongs, that he is regularly attendant upon public worship in the said Society; and shall also lodge a notification in writing, under his hand, in the office of the Clerk of the said Episcopal Society, signifying his having joined the same; such person shall, from and after leaving such certificate and lodging such notification as aforesaid, be considered, to all intents and purposes, together with his family, polls and estate, as belonging to the said Episcopal Society: Provided however, That such person shall be liable to pay his proportion of all assessments which may have been legally made upon the inhabitants of the town to which he belongs prior to his joining the said Society.*

How to become a member of the Society.

SECT. 3. *Be it further enacted, That the persons so incorporated into the said Society, with their families, polls and estates, shall be wholly exempt from any and all assessments, other than those legally imposed by said Society, except as herein before provided, for any religious purpose whatever; that they shall be subject to the assessment and collection of all taxes legally granted and agreed upon by the said Society; that it shall be lawful for the assessors and collectors of the said Society for the time being respectively, to assess and collect the same; that it shall be the duty of the said collectors, or other warning officers of the said Society, to warn the said persons to attend all Society meetings; and that the said persons shall enjoy all the privileges and immunities, and be subject to all the duties and restrictions of members of the said Society, in the same manner they would or might if resident in the said town of Great-Barrington.*

Provision respecting taxes.

[This Act passed February 23, 1805.]

An ACT to incorporate a Number of the Inhabitants of the Towns of *New-Gloucester, Gray, Pegypscot, and Poland*, as a Religious Society, by the Name of *The First Universalist Society of Christians in New-Gloucester*.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Solomon Atwood, jun. Jacob Bailey, John Bayley, Robert Bayley, Nathaniel Bennett, Nathaniel Bennett, jun. Moses Bennctt, Moses Bennett, jun. Jonathan Bennett, Jonathan Bennett, jun. John Bennett, John Bennett, jun. Isaac Blake, Richard Blake, Alden Bridgham, William Bridgham, Daniel Cash, Jabez Cushman, Ebenezer Davis, Joshua Dunn, Josiah Dunn, jun. Thomas Finson, Moses Fitz, Thomas Goss, jun. William Hatch, Daniel Heaney, David Jordan, Job Lane, David Macintire, Samuel Mayall, John Mayall, Robert Mayall, Jabez Merchant, Joseph Pearce, Joseph Pearce, jun. Samuel Pearce, William Peirce, Joseph Pennell, Samuel Pingree, Joseph Rayner, jun. Stephen Rollins, Joseph Saunders, Moses Saunders, Moses Sawyer, David Steele, William Tucker, John Webster, True Woodbury, and Ebenezer Whitham, with their families, polls and estates, be, and they are hereby incorporated into a religious Society, by the name of The First Universalist Society of Christians in New-Gloucester, with all the powers, privileges, rights and immunities to which other parishes and religious Societies are entitled by the Constitution and laws of this Commonwealth, for religious purposes only.*

How to be-
come a mem-
ber of this
Society.

SECT. 2. *And be it further enacted, That any person belonging to either of the said towns of New-Gloucester, Gray, Pegypscot and Poland, who may, at any time within one year from the passing of this Act, actually become a member of, and unite in religious worship with the Society aforesaid, and give in his or her name to the Town-Clerk of the town in which he or she doth dwell, and produce a certificate signed by the Minister or Clerk, that he or she has actually become a member of, and united in religious worship with the Universalist Society aforesaid, thirty days at least previous to the annual town-meeting in March or April, shall, from and after giving such certificate, with his or her polls and estates, be considered as members of said Society: Provided however, That such person or persons shall be holden to pay their proportion of all monies assessed for religious purposes in the town to which he or she belonged, previous to his or her becoming a member of said Universalist Society.*

SECT. 3. *And be it further enacted, That if any member of the said Universalist Society shall, at any time within one year*

year from the passing of this Act, see cause to leave the same, ^{How to leave} and to unite in religious worship with any other religious ^{the Society.} Society, in the town where such person doth dwell, and shall declare an intention to that effect in writing, signed and deposited with the Minister or Clerk of the said Universalist Society, and also with the Clerk of the town in which such person may dwell, thirty days at least before the annual town-meeting in *March* or *April*, and shall pay his or her proportion of all money assessed on said Society previous thereto, such person shall, from and after signing and declaring such intention in writing, with his or her polls and estate, be considered as belonging to the town or parish in which he or she may reside.

SECT. 4. *And be it further enacted*, That either the Justices of the Peace for the county of *Cumberland*, be, and he is hereby authorized to issue a warrant, directed to some member of the said Universalist Society, requiring him to notify and warn the members thereof, to meet at such convenient time and place, as shall be appointed in said warrant, to choose such officers as parishes are by law empowered to choose in the months of *March* or *April* annually. ^{First meeting.}

[This Act passed *February* 23, 1805.]

An ACT to empower the Selectmen of the Town of *Newburyport* to increase the Number of Engine-Men in said Town.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Selectmen of the town of *Newburyport* be, and they hereby are authorized and empowered, if they shall judge it expedient, to nominate and appoint, as soon as may be after the passing of this Act, and ever after in the month of *January* annually, any number, not exceeding six men to each engine, in addition to the number of men now authorized by law.

[This Act passed *March* 1, 1805.]

An ACT to incorporate certain Proprietors of Meadow Lands, lying on *Charles River*, *Stop River*, and *Boggastow Brook*, within the Towns of *Medway*, *Medfield*, and *Sherburne*, for the Purpose of draining off the stagnant Water, and for better improving the said Lands.

SECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this Act, all the

Boundaries.

the Proprietors of certain meadow lands adjoining on *Charles River*, *Stop River*, and *Boggastow Brook*, and contiguous thereto, as hereafter described, viz. Beginning in *Medfield*, on the easterly side of said *Charles River*, on a ditch the north side of meadow land belonging to *Ephraim Wheelock*, at the *Upper Meadow*, so called, and on the westerly side of said river in *Medway*, at the most southerly part of the meadow land belonging to *Horatio Adams*, extending northerly on both sides of said *Charles River*, till it comes to a place called the *Rock Narrows*, lying between the town of *Sherburne* and district of *Dover*, including said narrows, and any bars of sand, gravel, rocks, or other obstructions in said river, as far down said river as to the mill-dam belonging to *William Bigelow* inclusively, and extending up *Boggastow Brook*, on both sides of said brook, as far as the south side of the meadow land belonging to *Benoni Morse*, in *Medway*, and extending up *Stop River* as far as the long causeway in *Medfield*, lying partly in the county of *Middlesex*, and partly in the county of *Norfolk*, be, and they hereby are incorporated into a Body Politic, by the name of *The Proprietors of the Charles River, Stop River, and Boggastow Brook Meadows*, for the purpose of draining off the stagnant water, and for better improving the said lands, and for removing any bars of sand, gravel, rocks, or other obstructions aforesaid, in said *Charles River*; and by the name aforesaid the said Proprietors may sue and be sued, and do and suffer whatever other similar Bodies Politic may or ought to do and suffer.

Corporate Name.

How Proprietors meeting is to be called—
What officers are to be chosen, &c. &c.

SECT. 2. *And be it further enacted*, That any Justice of the Peace in the county of *Norfolk* be, and he is hereby empowered and directed, upon application in writing from five or more of said Proprietors, to issue his warrant to one of the Proprietors aforesaid, requiring him to notify and warn a meeting of said Proprietors, at such time and place as he shall think most convenient, the purposes to be expressed in said warrant, by posting up copies of said warrant, with the notification thereon, at the houses of public worship in *Medfield*, *Sherburne*, and the east parish in the town of *Medway*, seven days at least before the time for holding said meeting; and the said Proprietors, when legally assembled as aforesaid, shall have power to choose a Clerk, Committee or Committees, Assessors, Collector or Collectors of taxes, and Treasurer, who shall be sworn to the faithful discharge of the trust reposed in them, and continue to serve until others are chosen and sworn in their places, which may be annually; which officers, chosen and sworn as aforesaid, shall have the same power to perform, execute and carry any vote or order of said Corporation into full effect, as town officers of like description have by law; and said Corporation shall, at their first meeting, agree and determine upon the method for calling future meetings; and said Corporation shall, at their first meeting,

ing, or any other meeting legally called for that purpose, have power to vote and raise monies, for the purpose of removing the bars and shoal places in said river, or to increase the width of said rivers or brook, as the case may require, for the purpose of draining off the stagnant water from said meadows from time to time, as shall be found necessary for saving the grass growing thereon, and for paying all other expenses that shall be found necessary for the better management thereof; and all monies raised as aforesaid, shall be assessed upon each Proprietor in the meadows aforesaid, in proportion to the number of acres, or value thereof, he or she may own in the meadow land damaged as aforesaid; and if any Proprietor shall refuse or neglect to pay the sum or sums assessed upon him or her as aforesaid, after sixty days notice, so much of his or her meadow land shall be sold, as will be sufficient to pay the same, with legal cost, in the same manner non-resident Proprietors' lands in this Commonwealth are sold to pay taxes.

The meadow land of delinquents may be sold.

[This Act passed *March 1, 1805.*]

An ACT to authorize the raising a Fund for the Support of public Schools, in the Town of *Warren*, in the County of *Lincoln*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Thomas Starrett, John Libby, Alexander Lermont, John Creighton, and Manasseh Smith, jun. be, and hereby are appointed Trustees to sell all the real estate belonging to said town of Warren which was originally appropriated for the use of schools, and to put out at interest the money arising from such sale, in manner hereinafter mentioned, and for that purpose.*

Persons authorized to sell estate.

SECT. 2. *Be it further enacted, That the said Trustees be, and hereby are incorporated into a Body Politic, by the name of The Trustees of the School Funds in the town of Warren, in the county of Lincoln; and they and their successors shall be, and continue a Body Politic and Corporate by that name forever; and they shall have a common seal subject to be altered at their pleasure; and they may sue and be sued in all actions real, personal or mixed, and prosecute and defend the same to final judgment and execution by the name aforesaid.*

Trustees incorporated.

SECT. 3. *Be it further enacted, That the said Trustees and their successors shall and may annually elect a President and Clerk to record the doings and transactions of the Trustees at their meeting, and a Treasurer to receive and apply the monies hereinafter mentioned as hereinafter directed, and any other needful officers, for the better managing their business.*

Officers to be chosen.

SECT.

Number of Trustees. of SECT. 4. *Be it further enacted*, That the number of Trustees shall not be, at any one time, more than five, nor less than three, any three of their number to constitute a quorum for transacting business, and they shall and may, from time to time, fill up vacancies in their number, which may happen by death, resignation or otherwise, from the inhabitants of said town; and shall have power to remove any of their number who may become unfit or incapable from age, infirmity, misconduct or any other cause, of discharging their duty; and to supply a vacancy so made by a new choice from the town aforesaid: And the said Trustees shall annually hold a meeting in *March* or *April*, and as much oftener as may be found necessary, to transact the business of said Corporation, which meetings, after the first, shall be called in such way and manner as the Trustees shall hereafter direct.

Trustees may be removed.

First meeting.

SECT. 5. *Be it further enacted*, That Colonel *Thomas Starrett* be, and hereby is authorized to fix the time and place for holding the first meeting of the Trustees, and to notify each Trustee thereof.

Real estate may be sold.

SECT. 6. *Be it further enacted*, That the said Trustees be, and are hereby authorized and empowered to sell and convey, in fee simple, all the real estate belonging to said town as aforesaid, and to make, execute and acknowledge a good and sufficient deed or deeds thereof; which deed or deeds, subscribed by the name of their Treasurer, by direction of said Trustees, with their seal thereto affixed, shall be good and effectual in law to pass and convey the fee simple from said town to the purchaser to all intents and purposes whatever.

Money to be put at interest.

SECT. 7. *Be it further enacted*, That the monies arising from the sale of said real estate shall be put at interest as soon as may be, and secured by mortgage of real estate to the full value of the estate sold, or by two or more sufficient sureties with the principal, unless the Trustees shall think it best to invest the same in public funded securities or bank stock of this Commonwealth, which they may do.

Interest to be put at interest, &c.

SECT. 8. *Be it further enacted*, That the interest arising from time to time on such monies, shall be annually or oftener, if practicable, put out at interest and secured in manner aforesaid, and also the interest accruing from the interest until a fund shall be accumulated on the sale of said real estate and the interest arising thereon, which shall yield yearly the sum of *two hundred dollars*.

Fund to be finally applied to support schools.

SECT. 9. *Be it further enacted*, That as soon as an interest to that amount shall accrue, the Trustees shall forthwith apply the same towards the annual support of public schools in said town, and it shall never be in the power of said town or Trustees to alter or alienate the appropriation of the fund aforesaid.

SECT.

SECT. 10. *Be it further enacted*, That the Clerk of said Corporation shall be sworn previous to his entering on the duties of his office, and the Treasurer of the Trustees shall give bond faithfully to perform his duty, and to be at all times responsible for the faithful application and appropriation of the money which may come into his hands, conformably to the true intent and meaning of this Act, and for all negligence and misconduct of any kind in his office.

Clerk to be sworn, and Treasurer to give bond.

SECT. 11. *Be it further enacted*, That the Trustees or their officers, for the services they may perform, shall be entitled to no compensation out of any money arising from the fund aforesaid, but if entitled to any shall have and receive the same of said town, as may be mutually agreed upon.

Compensation of Trustees.

SECT. 12. *Be it further enacted*, That the said Trustees and their successors shall exhibit to the town at their annual meeting in March or April a regular and fair statement of their doings.

Annual statement.

SECT. 13. *Be it further enacted*, That the said Trustees and each of them shall be responsible to the town for their personal negligence or misconduct, whether they be officers or not, and liable to a suit for any loss or damage arising thereby, the debt or damage recovered in such suit to be for the uses aforesaid.

Trustees responsible.

[This Act passed March 4, 1805.]

An ACT to set off *William Wilcox*, with his Family and Estate, from the Town of *Dartmouth*, in the County of *Bristol*, and to annex them to the Town of *Westport*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *William Wilcox* with his family and estate, lying within the boundary line of the town of *Westport*, in the county of *Bristol*, and having been annexed to the town of *Dartmouth*, be, and they are hereby set off from the town of *Dartmouth*, and annexed to the said town of *Westport*: *Provided nevertheless*, That the said *William Wilcox* shall be holden to pay all taxes assessed against him in the said town of *Dartmouth*, prior to the passing of this Act, in the same way and manner he was before holden to pay the same; any thing in this Act to the contrary notwithstanding.

[This Act passed March 4, 1805.]

An ACT providing for the Removal of a Toll-Gate, now standing in *Greenwich*, on *The Sixth Massachusetts Turnpike Road*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Court of Common Pleas, in the counties of Worcester and Hampshire respectively, are hereby authorized, at any term thereof, at the request of said Turnpike Corporation, to appoint a Committee to locate and place the said gate in such place on the said road as they, under all circumstances, shall judge reasonable, said Committee to give public notice of the time and place of their meeting for the purpose aforesaid : Provided nevertheless, That nothing in this Act shall be construed to prevent the Legislature, at any time hereafter, to direct the removal of said gate to any other place, whenever they shall judge it for the public benefit.

[This Act passed March 4, 1805.]

An ACT in addition to an Act, entitled, "An Act to regulate the Paving of Streets in the Town of *Boston*, and for removing Obstructions in the same."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Selectmen of the town of Boston for the time being, whenever in their opinion the safety or convenience of the inhabitants of said town shall require it, shall be, and they hereby are empowered to lay out any new street, or to widen any street, lane or alley of said town, and for that purpose to take any land that may be required for the same, and to remove any building or buildings, of what nature soever ; and the same street, lane or alley being recorded in the town's books, shall be thereby established as such ; and the owner or owners of the land or buildings that shall be so taken or removed, shall receive such recompense for the damages which he or they may thereby sustain, as the party interested and the Selectmen shall agree upon, to be paid by the town or the individual person or persons for whose use such street, lane or alley is laid out or widened, or as shall be ordered by the Justices of the Court of General Sessions of the Peace, upon an inquiry into the same by a jury to be summoned for that purpose, who shall be drawn out of the jury box of the Supreme Judicial Court of the town of Boston by the Selectmen of said town, upon the application of the Sheriff of the county of Suffolk, and if, by accident or challenge, there should
happen

happen not to be a full jury, said officer shall fill the pannel *de talibus circumstantibus* as in other cases; or by a special Committee, if the parties agree thereunto.

[This Act passed *March 4, 1805.*]

An ACT to incorporate a Number of the Inhabitants of the Towns of *Paris* and *Norway*, as a Religious Society, by the Name of *The First Independent Universalist Society in Paris and Norway.*

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Samuel Ames, Levi Bartlett, Josiah Bartlett, Anthony Bennett, Nathaniel Bennett, Josiah Bisco, Jonas Bisco, Peter Buck, James Buck, Jared M. Buck, Ebenezer Cobb, Elisha Cummings, Isaac Cummings, Noah Curtis, jun. Jacob Frost, jun. Joseph Gallison, Benjamin Herring, Benjamin Herring, jun. Levi Hubbard, John Knight, Daniel Knight, Dudley Pike, John Robinson, Joseph Rust, Henry Rust, jun. Samuel Smith, Daniel Staples, Elias Stowell, Daniel Stowell, William Stowell, Jacob Tubbs, Benjamin Tucker, Benjamin Witt, and Charles Young, with their families and estates, be, and they are hereby incorporated into a religious Society, by the name of The First Independent Universalist Society in Paris and Norway, with all the powers, privileges and immunities to which other religious Societies are entitled by the Constitution and laws of this Commonwealth, for religious purposes only: Provided however, That all such persons shall be held to pay their proportion of all monies assessed upon them for parochial purposes in the towns to which they respectively belong previous to the passing of this Act.* Persons incorporated.

SECT. 2. *And be it further enacted, That any person belonging to the said towns of Paris and Norway who may, within one year from the passing of this Act, see cause to leave the Society with which he or she has been connected, and shall desire to join with another religious Society in either of said towns, and shall give in his or her name to the Clerk of each of the said religious Societies, that he or she has united with, and actually become a member of such other religious Society, twenty days at least previous to the annual meeting of each of said Societies, and shall pay his or her proportion of all monies assessed in such Society previous to his or her leaving the same, such person shall thereafter, with his or her polls and estate, be considered as a member of the Society with which he or she has so united.* How to leave one Society and join another.

SECT. 3. *And be it further enacted, That either of the Justices of the Peace for the county of Cumberland be, and he* First meeting.

he is hereby empowered to issue a warrant, directed to some member of the said Universalist Society, requiring him to notify and warn the members thereof in the said towns of *Paris* and *Norway*, to meet at such convenient time and place as shall be appointed in said warrant, to choose all such officers as parishes are by law entitled to choose in the month of *March* or *April* annually.

[This Act passed *March 4, 1805.*]

An ACT incorporating certain Persons in the Towns of *Lenox, Lee, Stockbridge* and *Pittsfield*, in the County of *Berkshire*, by the Name of *The Protestant Episcopal Society of Lenox.*

Persons incor-
porated.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Azariah Eggleston, Samuel Quincy, Thaddeus Thompson, John Gregory, Edward Martindale, Samuel Dunbar, Elijah Treat, David Dunbar, Selah Cook, Stephen Root, James Smith, Henry Huxford, jun. John Hill, John Tyler, David Smith, Titus Parker, John Willard, Amasa Glezen, Daniel Dunbar, Moses Hall, Samuel Wright, Eleazer Phelps, Samuel Collins, William Wells, Joseph Presby, Jonathan Thompson, and Moses Geer, of Lenox; Jesse Bradley, John Freese, Stephen Couch, Jared Bradley, Isaac Hawk, John Hawk, John Freese, jun. George Bennett, Matthew Vandusen, Matthew Vandusen, jun. and Abraham Hawk, of Lee; Phineas Pease, John Cooper, Joseph Rich, Ozias Judd, Oliver Collins, jun. John Collins, and Daniel Folliot, of Stockbridge; and Tertullus Hubby, and Henry Van Schaack, of Pittsfield, in the county of Berkshire; together with their families, polls and estates, and such persons as may within one year from the passing of this Act, join them in the manner herein provided, be, and they hereby are incorporated into a religious Society by the name of The Protestant Episcopal Society of Lenox, with all the privileges and immunities incident to other religious Societies in this Commonwealth.*

How to become
a member.

SECT. 2. *Be it further enacted, That any person residing in either of the said towns of Lenox, Lee, Stockbridge, or Pittsfield, being of the Episcopal denomination, and who shall unite in religious worship with the said Society, and shall leave a certificate, signed by the Minister or Clerk thereof, with the Clerk of the town to which he belongs, at any time within one year from the passing of this Act, that he is regularly attendant upon public worship in the said Society; and shall also lodge a notification, in writing under his hand, in the office of the Clerk of the said Episcopal Society, signifying his having joined the same, such person shall, from and after*
leaving

leaving such certificate, and lodging such notification as aforesaid, be considered, to all intents and purposes, together with his family, polls and estate as belonging to the said Episcopal Society: *Provided however*, That such person shall be liable to pay his proportion of all assessments which may have been duly and legally made upon the town to which he belongs, prior to his joining the said Society.

SECT. 3. *Be it further enacted*, That the person so constituting the said Episcopal Society, with their families and estates, shall be wholly exempt from any and all assessments, other than those legally imposed by the said Society, except as before provided, for any religious purpose whatever; that they shall be subject to the assessment and collection of all taxes legally granted and agreed upon by the said Society; that it shall be lawful for the assessors and collectors of the said Society, for the time being, respectively, to assess and collect the same; that it shall be the duty of the said Collectors, or other warning officers of the said Society, to warn the said persons to attend all Society meetings; and that the said persons shall enjoy all the privileges and immunities, and be subject to all the duties and restrictions incident to other religious Societies in this Commonwealth.

Provision respecting taxes, &c.

SECT. 4. *Be it further enacted*, That *Azariah Eggleston, Esq.* be, and he hereby is authorized and empowered to issue his warrant, directed to some suitable member of the said Society, requiring him to warn all the members thereof to meet at some suitable place, some time in the month of *March* or *April* next, to be therein expressed, to choose all such Society officers as parishes are allowed annually to choose.

First meeting.

[This Act passed *March 4, 1805.*]

An ACT to establish *The Dorchester Turnpike Corporation.*

WHEREAS a turnpike road from *Milton Bridge*, through *Dorchester*, to *Nook Point*, so called, in *Boston*, will materially shorten the distance in travelling from the southerly part of this Commonwealth to the metropolis, and will be of great public convenience and utility, and *Paul Lambert, Samuel Cabot*, and others, having petitioned this Court for an Act of incorporation, to empower them to lay out and make said road:

Preamble.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Paul Lambert, Samuel Cabot, John Swift*, and *Stephen Badlam*, while they remain Proprietors, and all such as are or may hereafter become Proprietors, and their associates and successors, be, and they hereby are constituted a Corporation, by the

the

the name of *The Dorchester Turnpike Corporation*; and by that name to sue and be sued to final judgment and execution, and do and suffer all other acts and things which Bodies Politic may or ought to do and suffer: And said Corporation shall have full power and authority to make and use a common seal, and the same to break, alter and renew at pleasure; and also to choose a Clerk, who shall be under oath for the faithful discharge of his duty, and such other officers as they may think necessary for the government of said Corporation; and also to agree upon the method of calling future meetings; and to establish such rules and regulations, for the well-ordering the affairs of said Corporation, as they may find expedient, *provided* the same are not repugnant to the Constitution and laws of this Commonwealth; with full power also to lay out, make and keep in repair said turnpike road, from the bridge over *Neponset River*, commonly called *Milton Bridge*, in the county of *Norfolk*, to *Nook Point*, so called, in *Boston*, in the county of *Suffolk*, the easterly side of which road shall begin near the westerly corner of the house of *John Preston*, in said *Dorchester*, and run north about seventeen and one half degrees east, to the west corner of the brick house of *Samuel Clapp, jun.* by the *Lower Road*, so called, and continuing the same course by or near a place called *Glover's Wharf*, until it intersects the line next mentioned; which shall begin at the easterly side of *Dorchester Street*, so called, which is laid out and established by the Selectmen of *Boston*, within said town, and run south, about seven degrees west, to a stake five rods east of *Jonathan Davis's* stable, which is near his new house, and continuing the same course until it intersects the line first mentioned; which road shall be sixty feet wide westerly of said lines, and the travelling path not less than twenty-eight feet wide: And the said Corporation shall have power to extend the width over the marshes, two rods in addition to said road, for the purpose of making canals, where the same may be necessary: And when said turnpike road shall be accepted and approved, and certified by the Court of General Sessions of the Peace in and for the county of *Norfolk*, or by a Committee of three persons, appointed by said Court, to be sufficiently made, the said Corporation shall be authorized to erect a turnpike gate on said road, in said *Dorchester*, in the most convenient place; and shall be entitled to demand and receive from passengers, the following rates of toll, viz. For each coach, or other riding carriage with four wheels, *sixteen cents*; for each chaise, chair or sulkey, drawn by one beast, *eight cents*; for each cart, waggon, sled or sleigh, drawn by more than one beast, *eight cents*; for each cart, waggon, sled or sleigh, drawn by one beast, *six cents*; for each person and horse, *four cents*; for each horse or ox, or other large beast, exclusive of those in teams or carriages, *one cent*; for sheep or swine, at the rate of *three cents* per

Rules, &c to
be established.

Course of the
road.

A gate to be
erected and
toll demanded.

per dozen: *Provided however*, That the said Corporation may, Toll may be
 if they see fit, commute the rate of toll with any person, or the commuted.
 inhabitants of any town, by taking of them a certain sum monthly or annually, to be mutually agreed upon in lieu of the toll aforesaid; or the said Corporation may, if they find it expedient, erect two toll gates in the most convenient places on said turnpike road, and take half of the aforesaid rates of toll at each gate: *Provided*, That no turnpike gate shall be hereafter erected on the present travelled road: *And provided also*, That no toll shall be taken of any person passing said road when on military duty, nor for any beasts, carts, carriages or baggage employed on such duty, nor of any person belonging to said town of *Dorchester*, unless they pass out of the same, or are returning after having been to some other town: *Provided also*, That not more than half the rate of toll before mentioned shall be paid for any cart or waggon, the fellyes of the wheels of which shall not be less than six inches broad: And the said Corporation shall, at the places where the toll may be collected, erect and keep constantly in public view, a sign or board, with the rates of toll of all the tollable articles fairly written in large or capital characters.

Exemptions.

SECT. 2. *And be it further enacted*, That the said Corporation may purchase and hold real estate, adjacent to, and for the accommodation of said road, to the amount of *fifteen thousand dollars*; and the Justices of the Court of General Sessions of the Peace in and for the county of *Norfolk*, at any term of said Court, are hereby authorized, on application of said Corporation, to appoint a Committee of three disinterested freeholders within the same county, to lay out said road, and the canals, in the courses and directions aforesaid, and estimate the damages, who may alter the same, or any part thereof, with the consent of said Corporation, if they find it expedient, making the same as near on a straight line as circumstances will permit: And the said Corporation shall have power to take such lands as shall be necessary to make said turnpike road, and shall be liable to pay all damages which may arise to any person by taking his or her land for said road, when the same cannot be obtained by voluntary agreement, to be estimated by said Committee to be appointed by the Court of General Sessions of the Peace as aforesaid; and no lands shall be taken until the damages for the same shall be duly estimated by said Committee, or agreed to by the parties, saving to either party the right of trial by Jury, or by a new Committee, (if the parties consent thereto,) according to the law which makes provision for the recovery of damages arising from laying out highways.

Committee to lay out road.

SECT. 3. *And be it further enacted*, That if said Corporation, their toll-gatherer, or others in the employ of said Corporation, shall unreasonably delay or hinder any passenger or traveller at
 said

Penalty for de-
laying a pas-
senger, or ex-
acting illegal
toll.

said gate or gates, or shall demand or receive more toll than is by this Act established, the Corporation shall forfeit and pay a sum not exceeding *ten dollars* nor less than *one dollar*, to be recovered before any Justice of the Peace in the county of *Norfolk*, by any person injured, delayed or defrauded, in a special action on the case; the writ in which case shall be served on said Corporation, by leaving a copy of the same with their Treasurer, or with some individual member of the Corporation living within the county aforesaid, or by reading the contents thereof to the said Treasurer or individual member aforesaid, who shall be allowed to defend the same suit in behalf of said Corporation: And the said Corporation shall be liable to pay all damages which shall happen to any person from whom toll by this Act is demandable, for any injury which may arise from defect of bridges or want of repairs within the same road; and shall also be liable to a fine, on presentment of the Grand Jury, for not keeping the same or the bridges thereon in good repair.

Penalty for in-
juring the road,
or gates.

SECT. 4. *And be it further enacted*, That if any person shall cut, break down, or otherwise injure or destroy either of the said turnpike gates, or shall dig up or carry away any earth from the said road, or in any manner damage the same, or attempt to pass by force, without first paying the legal toll at said gate or gates, such person shall forfeit and pay a fine not exceeding *fifty dollars* nor less than *two dollars*, to be recovered by the Treasurer of the Corporation to their use, in an action of trespass: And if any person, liable to pay toll, shall turn out of said road, with his team, cattle, carriage or horse, to pass the said turnpike gate, on a road, lane or ground adjacent thereto, and again enter on said turnpike road, or keep out of the same, with intent to avoid the toll due by virtue of this Act, such person shall forfeit and pay *one dollar*, to be recovered by the Treasurer of the said Corporation, to the use thereof, on an action of debt, reserving to all persons a right to travel on the public or town roads already laid out, in the same manner as if the said turnpike road had not been made.

Shares consid-
ered personal
estate.

SECT. 5. *And be it further enacted*, That the shares of the individuals in the said turnpike road shall be taken, deemed and considered to be personal estate to all intents and purposes, and shall and may be transferable by deed, acknowledged before any Justice of the Peace, and recorded by the Clerk of the said Corporation, in a book to be kept for that purpose: And when any of the said shares shall be attached on *mesne process*, or taken in execution, an attested copy of such writ of attachment or execution shall be left with the Clerk of the said Corporation, otherwise such attachment or taking in execution shall be void; and such shares may be sold on execution in the same manner as is or may by law be provided for the sale of personal property by execution; and the officer making the sale, or the judgment

Shares may be
sold on execu-
tion.

judgment creditor, shall leave a copy of the execution, and the officer's return on the same, with the Clerk of the said Corporation, within ten days after such sale, and pay for recording thereof, shall be a sufficient transfer of the same.

SECT. 6. *And be it further enacted,* That a meeting of the said Corporation shall be held at *Oliver Wyman's Bunch-of-Grapes Tavern, Boston*, on the second Monday of *March* next, for the purpose of choosing a Clerk, and such other officers as may then and there be agreed upon by the said Corporation, for regulating the concerns thereof, (in all cases counting and allowing one vote to each single share;) *provided however*, that no person shall have more than ten votes; and all representations at any meeting shall be proved in writing, signed by the person making the same, which shall be filed with and recorded by the Clerk; and this Act, and all rules, regulations and votes of the said Corporation shall be fairly and truly recorded by the said Clerk, in a book or books to be provided and kept for that purpose.

First meeting.
Officers to be
chosen, &c.

SECT. 7. *And be it further enacted,* That said Corporation, within six months after the said road is completed, shall lodge in the Secretary's office an account of the expenses thereof; and shall annually exhibit to the Governor and Council a true account of dividends or income arising from the said toll, with their necessary annual disbursements on the said road: and the books of the said Corporation shall at all times be subject to the inspection of a Committee to be appointed by the General Court, or to the inspection of the Governor and Council, when called for.

Statement of
expenses to be
made.

SECT. 8. *And be it further enacted,* That whenever any Proprietor shall neglect or refuse to pay any tax or assessment duly voted and agreed upon by said Corporation, to their Treasurer, within thirty days after the time set for the payment thereof, the Treasurer of said Corporation is hereby authorized to sell at public auction the share or shares of such delinquent Proprietor, one or more, as may be sufficient to defray said taxes and necessary incidental charges, after duly notifying in some paper printed in *Boston*, the sum due on any shares, and the time and place of sale, at least twenty days previous to the time of sale; and such sale shall be a sufficient transfer of the share or shares thus sold to the person purchasing; and on producing a certificate of such sale, from the Treasurer to the Clerk of said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the book of the said Corporation; and such person shall be considered to all intents and purposes the Proprietor thereof; and the overplus, if any there be, shall be paid on demand by the Treasurer, to the person whose shares were thus sold.

Shares of delin-
quents may be
sold.

SECT.

Corporation may be dissolved when indemnified. SECT. 9. *And be it further enacted,* That the General Court may dissolve the said Corporation, whenever it shall appear to their satisfaction that the income arising from said toll shall have fully compensated the said Corporation for all monies they may have expended in purchasing, making, repairing and taking care of said road, together with an interest thereon at the rate of *twelve per centum* by the year; and thereupon the property of the said road shall be vested in this Commonwealth, and be at their disposal: *Provided,* That if the said Corporation shall neglect to complete the said turnpike road, for the space of three years from the passing of this Act, the same shall become void and of no effect.

Corporation allowed to grant monies, &c. SECT. 10. *And be it further enacted,* That the said Corporation is hereby allowed to grant monies to such persons as have rendered services to the Proprietors in exploring the route of the turnpike road, or otherwise, previous to this Act of incorporation, or to such persons as have advanced monies to pay any expenses which may have already accrued; and shall also have full power and authority to make, and from time to time repair *Dorchester Street*, so called, within the town of *Boston*, laid out by the Selectmen of said town, by consent of said Selectmen first had and obtained, and under their direction, to accommodate the travel to and from said turnpike road, in such manner as they may find necessary; and also to repair the old road as the same is now laid out, from *John Preston's* aforesaid, to said *Milton Bridge*, with the consent and under the direction of the Selectmen of *Dorchester*.

[This Act passed *March 4, 1805.*]

An ACT to authorize *The Cambridge and Concord Turnpike Corporation* to make a Road from the Termination of their Turnpike to the Causeway of *West-Boston Bridge*.

Cause of new road. SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *The Cambridge and Concord Turnpike Corporation* be, and hereby is authorized to make a road from the present termination of the *Cambridge and Concord Turnpike Road*, near to the house of *Jonas Wyeth*, in *Cambridge*, to the causeway of *West-Boston Bridge*, near the house of *Royal Makepeace*, as nearly in a straight line from such part of *Cambridge* common, not approaching nearer than ninety feet to any part of a new building lately erected by the Corporation of *Harvard College*, without the consent of that Corporation, proceeding in a line not nearer than a line parallel to the north end of said new building, at the said distance, until it meets the east line of the

the College land, as a Committee appointed by the Governor and Council shall, with due regard to public and private accommodation, direct; and which said Committee is hereby authorized and directed to locate the same road accordingly; which road shall not be less than three rods wide in that part thereof which is westerly of *Cambridge* common, nor less than four rods wide in that part which is easterly of the said common, and the part to be travelled on not less than forty feet in any place: *Provided nevertheless*, That the Proprietors of the marshes near *West-Boston Bridge*, over which the same road may be made, shall have the right to make a canal or dock, crossing the said road in any part of said marshes, they making a suitable bridge over the same.

Committee to
locate the road.

SECT. 2. *Be it further enacted*, That the said Corporation may purchase and hold land over which they may make said road; and the said Corporation shall be liable to pay all damages which shall arise to any person by taking his or her land for such road, where it cannot be obtained by voluntary agreement, to be estimated by a Committee appointed by the Court of General Sessions of the Peace in the county of *Middlesex*, saving to either party the right of trial by Jury, according to the law which provides for the recovery of damages arising from the laying out of highways: *Provided however*, That no gate shall be erected on said road: *And provided also*, That if the said Corporation shall neglect to complete the said road, for the space of three years from the passing of this Act, the same shall be void and of no effect.

Persons whose
lands are taken
are to be in-
demnified.

[This Act passed March 8, 1805.]

An ACT making a temporary Alteration in the Toll
to be received by *The Proprietors of the Locks and
Canals on Connecticut River.*

WHEREAS in and by the Act whereby the said Proprietors were incorporated, there was granted to said Proprietors, for the purpose of reimbursing to them their expenses in the works then to be made and supported, a toll, according to the following rates, to wit, For every ton weight, transported in boats or other vessels through the Locks and Canals between the mouth of *Chickapee River*, in *Springfield*, and the mouth of *Stoney Brook*, in *South-Hadley*, the sum of *four shillings and six pence*; for every thousand feet of boards, passing through the same Locks and Canals, the sum of *four shillings and six pence*; for plank and square timber, in proportion to the rate last mentioned, and for all other lumber floated on rafts or otherwise through the same Locks and Canals, in the same proportion; and every boat or other vessel passing through the same Locks

Preamble.

and

and Canals, at the rate of *one shilling* for every ton burthen it is capable of conveying, whether the same is loaded or not; and whereas it appears that the said rate of toll is at present incompetent to the purpose for which it was granted: Therefore,

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That for the term of seven years from and after the passing of this Act, the said Proprietors, in lieu of the toll aforesaid, be, and hereby are authorized to demand and receive a toll, according to the rates following, to wit, For every ton weight, transported in boats or other vessels through said Locks and Canals, the sum of ninety cents; for every thousand feet of boards, the sum of ninety cents; for plank and square timber, in proportion to the rate last mentioned; and for all other lumber floated on rafts or otherwise, through the same Locks and Canals, in the same proportion; and for every boat or other vessel, passing through the same Locks and Canals, at the rate of seventeen cents for every ton burthen it is capable of conveying, whether it is loaded or not.

Temporary toll
established.

[This Act passed March 8, 1805.]

An ACT to incorporate the north-westerly Part of the Town of *Otisfield*, and the easterly Part of the Town of *Bridgton*, in the County of *Cumberland*, into a separate Town, by the Name of *Harrison*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the tract of land described within the following bounds, viz. Beginning at a white-pine tree, marked and standing in the north-westerly corner of said Otisfield, from thence running north sixty-five degrees east, one thousand two hundred and ninety-six rods, to the north-east corner thereof; from thence south twenty-five degrees east, four hundred and fifty-six rods, to a stake and stones; from thence north sixty-five degrees east, about fifteen rods, to Crooked River; from thence southerly down the middle of said river, until a line drawn south sixty-five degrees west from the middle of said river will strike the south-easterly corner of the town of Bridgton; thence from said corner south, sixty-five degrees west, six hundred and eighty rods, to the easterly side of Long Pond; from thence northerly by the easterly shore of said pond, to a pitch-pine tree standing in the north-west corner of James Sampson's lot; from thence north sixty-five degrees east, one hundred and forty rods, to the line between Bridgton and Otisfield; from thence, north twenty-five degrees west, five hundred and thirty rods to the place of beginning,*

Boundaries.

beginning, with the inhabitants thereon, be, and they are hereby incorporated into a town by the name of *Harrison*.

SECT. 2. *And be it further enacted*, That the said town of *Harrison* shall pay all arrears of taxes which have been assessed upon them, together with their proportion of all debts which may be due and owing by either of said towns of *Otisfield* and *Bridgton*, prior to the date of this Act; and that all property, rights and credits of said towns of *Otisfield* and *Bridgton*, shall be received and enjoyed by the said town of *Harrison* according to their proportion of the taxes of said towns of *Otisfield* and *Bridgton* as assessed in the last tax bills.

Provision re-
specting debts
and property.

SECT. 3. *And be it further enacted*, That of all State and county taxes which shall be levied and required of said towns of *Otisfield* and *Bridgton*, previous to a new valuation, the said town of *Harrison* shall pay *twenty cents* on the *one thousand dollars*; *thirteen cents* whereof shall be deducted from the sum now charged to the town of *Otisfield*; and the remaining *seven cents* shall be deducted from the sum now charged to the town of *Bridgton*.

Provision re-
specting taxes.

SECT. 4. *And be it further enacted*, That *Enoch Perley*, Esq., be, and he hereby is authorized to issue his warrant, directed to some suitable inhabitant of said town of *Harrison*, requiring him to notify and warn the inhabitants of said town, who are qualified by law to vote in town affairs, to meet at such time and place as shall be expressed in said warrant, to choose all such officers as other towns within this Commonwealth are required by law to choose in the months of *March* or *April* annually; and the officers so chosen shall be qualified as other town officers are.

First meeting.

[This Act passed *March 8, 1805.*]

An ACT to incorporate a Number of the Inhabitants in the Town of *Limington*, in the County of *Tork*, into a separate Religious Society, by the Name of *The First Baptist Society in Limington.*

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Ebenezer Clarke*, *James Marrs*, *Solomon Stone*, *William Chick*, *Barzillai Small*, *Nathaniel Clark*, *Paul Gray*, *James Sawyer*, *John Gray*, *Ebenezer Sawyer*, *Jeremiah Small*, *Lemuel Sawyer*, *Peter Chick*, *James Small*, *Daniel Rounds*, *Amos Chase*, *Robert Hooper*, *David Nason*, *Fonathan Nason*, *Daniel Small*, *Frethe Spencer*, *John Lord*, *John Sutton*, *Stephen Webber*, *George Stone*, *James Lord*, *John Andrews*, *John Finnick*, *Enoch Nason*, *Nathaniel Adams*, *Benjamin Norton*, *Edward Norton*, *John Greenlaw*, *Amos Thompson*, *Joseph Sawyer*, *William Sawyer*, *Eben-*

Names of per-
sons incorpora-
ted.

ezer

ezer Walker, William Wentworth, Hurd Hubbard, James Heard, Joshua Durgon, Levi Cole, William Manning, George Finnis, Isaac Small, Ezekiel Small, Jacob Small, Josiah Chase, Thomas Spencer, Abraham Parker, Amos Chase, jun. Nathan Chick, and Jonathan Nason, jun. members of said religious Society, with their polls and estates, be, and they are hereby incorporated, by the name of *The First Baptist Society in Limington*, with all the privileges and immunities which parishes or religious Societies in this Commonwealth are by law entitled to: *Provided however*, That all such persons, shall be holden to pay their proportion of all monies assessed in said town of *Limington*, for parochial purposes, previous to the passing of this Act.

How to become a member of this Society.

SECT. 2. *And be it further enacted*, That any person in said town of *Limington*, who may, at any time within one year from the passing of this Act, actually become a member of, and unite in religious worship with the said First Baptist Society, and give in his or her name to the Clerk of the said town of *Limington*, with a certificate signed by the Minister or Clerk of the said First Baptist Society, that he or she hath actually become a member of, and united in religious worship with the said First Baptist Society, fourteen days previous to the town or parish meeting to be holden in the months of *March* or *April*, shall, from and after giving such certificate, be considered, with his or her polls and estates, as belonging to said First Baptist Society: *Provided however*, That all such persons shall be holden to pay their proportion of monies assessed in the town or parish to which they belonged previous to that time.

How to leave this Society.

SECT. 3. *And be it further enacted*, That if any member of said First Baptist Society shall, within one year from the passing of this Act, see cause or be inclined to leave said Society, and join in religious worship with any other religious Society in the town or parish in which he or she may live, and shall give in his or her name to the Clerk of the First Baptist Society aforesaid, signed by the Minister or Clerk of the parish or other incorporated Society with which he or she may unite, that he or she hath actually become a member of, and united in religious worship with such other parish, or other incorporated religious Society, fourteen days previous to their annual meeting in *March* or *April*, and shall pay his or her proportion of all monies voted in said Society, to be raised previous thereto, shall, from and after giving such certificate, with his or her polls and estate, be considered as a member of the Society to which he or she may unite.

SECT. 4. *And be it further enacted*, That any Justice of the Peace in the county of *York* be, and he is hereby authorized to issue his warrant, directed to some suitable member of said Society, requesting him to warn the members of said Society, qualified to vote in parish affairs, to assemble at some suitable time and

and place in said town of *Limington*, to choose such parish officers as are by law required to be chosen in the months of *March* or *April* annually, and to transact all other matters and things necessary to be done in said Society.

[This Act passed *March 8, 1805.*]

An ACT for the Protection of the Indians and their Property, in that Part of *Dukes' County*, known by the Name of *Christian Town*.

WHEREAS many persons who are unmindful of the moral obligations which they owe to society, have taken undue advantages of said Indians : For the remedy whereof,

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That His Excellency the Governor, by and with the advice and consent of Council, be, and he hereby is authorized and empowered to appoint two good and discreet men as guardians, to have the care and oversight of said Indians, and of their property, with full power to superintend the same. Two guardians to be appointed.

SECT. 2. *Be it further enacted,* That from and after the passing of this Act, all deeds, bargains, sales, releases, quitclaims, or any conveyance whatsoever, that any person shall or may obtain in any way of any person or persons, of any lands, tenements or hereditaments, which do or shall hereafter belong to any of said Indians, as well for any term of years or forever, shall be utterly void and of none effect, excepting such deeds, leases or other conveyances as shall first be examined, approved and confirmed by said guardians. Deeds, &c. void unless approved by the guardians.

SECT. 3. *Be it further enacted,* That from and after the passing of this Act, no bond, bill or other speciality in writing, or any contract whatever, nor any book account, or verbal contract, or promise for the payment of money, shall be deemed good and recoverable against any of the said Indians, if the same shall exceed the sum of *four dollars*, unless such bill, bond, speciality or verbal contract shall be approved by one at least of said guardians. No bill to be good unless approved by guardians.

SECT. 4. *Be it further enacted,* That nothing in this Act shall be construed in anywise to affect any existing contract, or any action that shall be pending in any Court at the time of the passing of this Act. Existing contract, &c. not affected.

[This Act passed *March 8, 1805.*]

An ACT in addition to an Act, entitled, "An Act for incorporating certain Persons for the Purpose of making a Turnpike Road from *Newburyport* to *Chelsea Bridge*.

WHEREAS the turnpike from *Newburyport* can be made with much less expence from *Jenkins's Corner*, so called, in *Malden*, to *Malden Bridge*, than from the same corner to *Chelsea Bridge*, and be as useful to the public: Therefore,

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That The Newburyport Turnpike Corporation have liberty to make their turnpike from Jenkins's Corner aforesaid, to Malden Bridge, and shall not be obliged to make the same to Chelsea Bridge; any thing in the Act to which this is an addition to the contrary notwithstanding: And the said Corporation shall be subject to the same duties, and be entitled to the same privileges relative to the said turnpike so to be made to Malden Bridge, as they would be subject and entitled to, had the said Turnpike been made to Chelsea Bridge.

[This Act passed March 9, 1805.]

An ACT to incorporate a Number of the Inhabitants of the Towns of *Scarborough*, in the County of *Cumberland*, *Saco* and *Buxton*, in the County of *York*, into a Religious Society, by the Name of *The Methodist Society in Scarborough*.

SECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Timothy Waterhouse, Samuel Waterhouse, Moses Waterhouse, Daniel Waterhouse, Alexander Leavitt, David Leavy, Alexander Milliken, Jonathan Harman, John S. Harman, William Leavy, Allison Harman, Nathaniel Moses, Enoch Libey, Samuel Harman, Daniel Harman, Samuel Libbey, George Moses, Jonathan Milliken, Joshua Milliken, Nathaniel Boothly, James Foss, Jonathan Burnam, Benjamin Milliken, Samuel Harman, Simeon Beal, Wentworth Dresser, Richard Waterhouse, George Messerve, Elias Waterhouse, George Harman, Joseph Milliken, Michael Nason, William Harman, Silas Burbank, Nathaniel Waterhouse, James Giptson, Allison Milliken, James Allen, David Harman, John Deering, Isaac Deering, Thomas Leavey, Isaiah Milliken, Zachariah Foss, Thomas Thurston, Daniel Thurston, Daniel Merrill, John Pinkham, George Harman, Jonathan Batchelder, Jesse Lumbard, Joseph Waterhouse, William Harman,*
Persons incor-
porated.
Phillip

Phillip Brown, Simon Plaisterd, Nathaniel Boothby, jun. Zachariah Harman, George Coothroth, jun. Samuel Dinsmore, Cyrus Foss, James Foss, 3d. Isaac Milliken, Paul Dresser, and Mark Dresser, with their families and estates, be, and they are hereby incorporated into a religious Society, by the name of "*The Methodist Society in Scarborough*," with all the powers, privileges and immunities to which parishes are entitled by the Constitution and laws of this Commonwealth: *Provided however*, That all such persons shall be holden to pay their proportion of all monies assessed in each of said towns, for parochial purposes, previous to the passing of this Act.

Proportion of Taxes to be paid.

SECT. 2. *Be it further enacted*, That any person belonging to the towns of *Scarborough*, *Buxton* and *Saco*, being of the Methodist denomination, who may, at any time within one year from the passing of this Act, actually become a member of, and unite in religious worship with the Society aforesaid, and give in his or her name to the Town-Clerk of either of the towns aforesaid in which he or she may belong, with a certificate, signed by the Minister or Clerk of said Society, that he or she is actually become a member of and united in religious worship with the aforesaid Methodist Society, fourteen days previous to the town-meeting to be held in either of the towns aforesaid, in which he or she may belong, in the month of *March* or *April*, shall, from and after giving such certificate, with his or her polls and estates, be considered as part of said Society: *Provided however*, That such person shall be held to pay their proportion of all money legally assessed in either of the towns aforesaid, to which he or she may belong, previous to that time.

How to become a member.

SECT. 3. *Be it further enacted*, That if any member of said Methodist Society shall at any time within one year from the passing of this Act, see cause to leave the same and unite in religious worship with either of the towns aforesaid in which he or she may belong, and shall lodge a certificate of such his or her intention with the Clerk or Minister of said Methodist Society, and also with the Clerk of either of the towns aforesaid to which he or she may belong, fourteen days at least before the annual meeting to be held therein in the month of *March* or *April*, and shall pay his or her proportion of all money assessed on said Society previous thereto, such person shall, from and after giving such certificate, with his or her polls, be considered as belonging to either of the towns to which he or she may belong, in the same manner as if he or she had never belonged to the said Methodist Society.

How to leave the Society.

SECT. 4. *And be it further enacted*, That any Justice of the Peace in the county of *Cumberland*, is hereby authorized to issue his warrant to some suitable person, who is a member of said

First meeting.

said Methodist Society, requiring him to notify and warn the members thereof, to meet at such time and place as shall be expressed in said warrant, to choose all such officers as parishes in the Commonwealth are by law authorized to choose in the months of *March* or *April* annually.

[This Act passed *March 9*, 1805.]

An ACT in addition to an Act, entitled, “An Act establishing an Incorporation by the Name of *The Maine Turnpike Association*.”

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That so much of the first section of an Act, entitled, “An Act establishing an Incorporation by the name of *The Maine Turnpike Association*,” passed the eighth day of *March*, in the year of our Lord one thousand eight hundred and three, as authorizes said Association to lay out, make, and keep in repair a turnpike road from *Portland* to *Augusta Bridge*, be, and hereby is repealed; any thing in said Act to the contrary notwithstanding.

[This Act passed *March 11*, 1805.]

An ACT to incorporate *James Gray*, and others, for the purpose of maintaining a Boom across *Saco River*, between *Biddeford* and *Saco*, in the County of *York*.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *James Gray*, *Thomas Cutts*, *Thomas Cutts*, *jun.* *Foxwell Cutts*, *Dominicus Cutts*, *Asa Stevens*, *Noah Hooper*, *David Bryant*, *John Spring*, *Samuel Dennet*, *Thomas C. Abbot*, *Abner Sawyer*, and *Daniel Cole*, together with such other persons as now have or shall hereafter become Proprietors in the said Boom, be, and they hereby are constituted and made a Corporation for laying and maintaining a Boom across *Saco River*, by the name of *The Proprietors of Saco Boom*; and by that name may sue and be sued, prosecute and be prosecuted, to final judgment and execution; and to do and suffer all such matters and things as Bodies Politic and Corporate may or ought to do and suffer; and the said Corporation shall have power to keep and use one common seal, and the same to break, alter and renew at pleasure.

SECT. 2. And be it further enacted, That *James Gray*, and others his associates, or any five of them, may, by an advertisement

risement posted up at some public place in *Biddeford* and *Saco*, call a meeting of said Proprietors at some suitable time and place, giving at least ten days notice of such meeting; and the said Proprietors being so met, by vote of the major part of the Proprietors present or represented at said meeting, shall proceed to choose a Clerk, Treasurer, and such other officers as they may from time to time find necessary, who shall be duly sworn to the faithful discharge of their respective trusts, and shall also agree on the method of calling future meetings of the said Proprietors, and at the same or any subsequent meetings may make and establish any rules and regulations which may be found necessary or convenient for regulating said Corporation, for the collecting the toll or fees herein established, and for the more effectually executing and completing the general purpose of this Act; and shall have power to assess and recover reasonable fines and penalties for any breach or breaches of such rules and regulations, not exceeding *fifty dollars*: *Provided*, That such rules and regulations shall not be repugnant to the Constitution and laws of this Commonwealth: And all applications or representations made at such meetings shall be in writing, and signed with the name of the person making the same, which shall be filed with and recorded by the Clerk; and this Act, with all the rules, regulations, votes and doings of the said Corporation, shall be fairly and truly recorded by the said Clerk, in a book or books for that purpose to be provided and kept.

First meeting :
and what business may be transacted.

SECT. 3. *And be it further enacted*, That the said Corporation shall be entitled to receive of the respective owner or owners of masts and logs, which shall be rafted and secured at said Boom by any person or persons, the following respective fees or toll; for each mast, *five cents*; for each mill-log, *one cent and five mills*: *Provided however*, That the fees or toll shall at all times hereafter be subject to the revision or alteration of the Legislature.

Fees or toll.

SECT. 4. *And be it further enacted*, That for the securing and recovering the payment of the respective fees or toll aforesaid, it shall be lawful for said Corporation, by their agent or other persons whom they may appoint for that purpose, to sue for and recover in a due course of law, by an action of debt, all such fees or toll, for all masts or logs secured and rafted at said Boom as aforesaid, when payment shall be refused or neglected by the person or persons subject to pay the same.

Fees may be sued for.

SECT. 5. *And be it further enacted*, That any person or persons who shall wilfully and maliciously injure or destroy the said Boom, or any of its appendages, or means of using or improving the same, shall be liable to pay such reasonable damages with cost of suit as shall be determined in a due course of law, to be sued for and recovered by the Proprietors in an action of trespass or on the case.

Damages for injuring booms.

SECT.

Passing at the boom not to be impeded.

SECT. 6. *And be it further enacted*, That the Proprietors of said Boom shall not let logs and masts lay in said Boom a longer time than they can be rafted out with dispatch; and that persons bringing rafts of boards, timber, staves, and rift lumber down *Saco River*, may pass through said Boom in the same way and manner they usually have done, before the passing of this Act.

[This Act passed *March 11, 1805.*]

An ACT in addition to an Act, entitled, "An Act to prevent the Destruction of Alewives and other Fish in *Ipswich River*, and to promote the Increase of the same," passed the twenty-eighth Day of *March*, in the Year of our Lord One thousand seven hundred and eighty-eight.

WHEREAS the provision in the first section of the Act, entitled, "An Act to prevent the destruction of alewives and other fish in *Ipswich River*, and to promote the increase of the same," passed the twenty-eighth day of *March*, in the year of our Lord one thousand seven hundred and eighty-eight, designating the time for the passage-ways to be opened for the fish to pass and re-pass, is found inconvenient: Therefore,

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this Act, the time for the passage-way or ways to be kept open for said fish to pass and re-pass through any mill-dam or dams now erected, or hereafter to be erected, on that part of said *Ipswich River* which lies below *Flint's* and *Meriam's* mills, or any stream or streams running from any natural pond into the same, shall be from the tenth day of *April* to the third day of *June* annually; any thing in the abovementioned Act to the contrary notwithstanding.

[This Act passed *March 11, 1805.*]

An ACT in addition to an Act, entitled, "An Act to incorporate a Number of the Inhabitants of the Towns of *Pittsfield*, *Hancock*, *Dalton* and *Washington*, in the County of *Berkshire*, into a Religious Society, by the Name of *The Methodist Religious Society* in *Pittsfield*, *Hancock*, *Dalton* and *Washington*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Josbua Danforth*, Esq. or any other Justice of the Peace within

within and for the county of *Berkshire*, be, and he hereby is authorized to issue a warrant, directed to some suitable member of the Methodist Religious Society in *Pittsfield* aforesaid, requiring him to notify and warn the members thereof, to meet at such time and place as shall be appointed in said warrant, to choose such officers as parishes in this Commonwealth are by law empowered to choose in the month of *March* or *April* annually.

[This Act passed *March 14, 1805.*]

An ACT in addition to an Act, entitled, “An Act to authorize *George Ulmer* to build a Toll-Bridge at *Lincolnville*, in the County of *Hancock*,” passed the twenty-fourth Day of *June*, eighteen hundred and four.

WHEREAS in pursuance of said Act, a Bridge has been erected, but difficulties have arisen, by reason of said Act not specifying the manner in which the Proprietors should be assembled, for the purpose of transacting the business incident to the Corporation :

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That a meeting of the Proprietors of said Bridge, shall be held on the first Tuesday of April next, at the house of Hezekiah French, in said Lincolnville, for the purpose of choosing all such officers, and establishing such rules as the said Proprietors shall deem proper, relative to said Bridge, and consistently with the Act of their incorporation; and George Ulmer, Esq. be, and he is hereby authorized to call the first meeting of the said Proprietors, by giving seven days notice previous to the said first Tuesday of April next.

[This Act passed *March 14, 1805.*]

An ACT in addition to an Act, entitled, “An Act for establishing an Academy in the Town of *Fryeburgh*, by the Name of *Fryeburgh Academy*.”

WHEREAS by the Act, entitled, “An Act for establishing an Academy in the town of *Fryeburgh*, by the name of *Fryeburgh Academy*,” seven members of the Board of Trustees of said Academy are necessary to constitute a quorum, as well to adjourn meetings of the said Trustees as to do business therein; and the remote situation of the said Trustees from each other, their bodily indisposition, and various other causes, sometimes render it inconvenient for that number to attend, in which case no meeting can be holden, or any adjournment had :

Be

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That any three or more of the said Trustees shall have power to open and adjourn legal meetings of the said Trustees, when seven of the said Trustees shall not be present at said meetings; any thing in the Act establishing said Academy to the contrary notwithstanding.

[This Act passed March 14, 1805.]

Vid. Perpet.
Laws, Vol. II.
610.

AN ACT in addition to an Act, entitled, "An Act to secure to Owners their Property in Logs, Mafts, Spars, and other Timber in certain Cafes."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That whenever any logs, mafts, spars, or other timber, shall be taken up and secured for the owner, at the bridges called Spring's Bridges, between Biddeford and Saco, below the Great Boom, so called, and above the lower falls in Saco, the Proprietor or Proprietors of said bridges, so taking up and securing said logs, mafts, spars, or other timber, shall therefor be entitled to one fourth part of all such logs, mafts, spars, or other timber, so taken up and secured; and shall advertise the same, and proceed therewith in the same manner, and under the same regulations and conditions as are prescribed in the fifth section of the Act, entitled, "An Act to secure to owners their property in logs, mafts, spars, and other timber, in certain cafes:"
Provided, That a passage-way shall be kept open to the slip, which is made on the east side of Saco River, for the running of boards and other timber, so that the Proprietors of the said slip may possess all the advantages which they have heretofore enjoyed by said slip.

[This Act passed March 14, 1805.]

AN ACT respecting the Erection of the Toll-Gates of *The Eighth Massachusetts Turnpike Corporation.*

SECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the doings of The Eighth Massachusetts Turnpike Corporation, in erecting gates on their road, and demanding and receiving thereat the toll allowed by law, be ratified and confirmed, so far as to authorize said Corporation to retain all toll by them received, and to recover all sums of money or damages due to them on any debt or contract: And said Corporation are hereby allowed to continue their gates where they have lately stood or now stand, until the first day of*

August

Doings of the
Corporation
confirmed.

August next, and to demand and receive toll thereat until that time, according to the rates established by the Act of incorporation.

SECT. 2. *Be it further enacted, That Charles Phelps, Esq.* Committee to of *Hadley, Major Aaron Fisher, of West-Hampton, and Samuel Whiting, Esq. of Great-Barrington,* be a Committee to view the road and locate the said road, and determine at what places the gates shall be placed by said Corporation on their road, upon and after the first day of *August* next; and that said Committee give notice, by a publication in the *Federal Spy*, printed in *Springfield*, twenty days at least before the time of their meeting, of the time and place of their meeting to perform said service; and that upon and after said first day of *August* next, the said Corporation may set up and maintain their gates at such places as shall be appointed by said Committee, and demand and receive thereat the toll allowed by the Act of incorporation, and thereupon the said Corporation shall be entitled to all the rights and privileges, and subject to all the duties mentioned, granted and provided in the Act aforesaid.

[This Act passed *March 14, 1805.*]

An ACT to incorporate a Number of the Inhabitants of the Towns of *New-Bedford* and *Freetown*, in the County of *Bristol*, and *Rochester* and *Middleborough*, in the County of *Plymouth*, into a Religious Society, by the Name of *The First Baptist Church and Society in New-Bedford.*

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Ebenezer Keen, Alden Spooner, Joseph Peirce, Robert Miller, Amos Braley, Lemuel Winslow, Perceval Ashley, Nathaniel Morton, Job Morton, Thomas Shearman, Nicholas Crapo, Ebenezer Morton, William White, jun. Lothrop Lewis, David Peirce, Nathaniel Downes, George Tabor, Thomas White, Ezekiel Cushman, Micah Winslow, Ebenezer L. Foster, William Whitridge, Jesse Keen, Walter Spooner, Ebenezer Keen, jun. Asa Braley, Joseph Bennet, George Douglass, Ellis Mendel, William Gaimons, Melatiah Morse, Thomas Gifford, Paul Winslow, William Teby, 2d. Mibbon Orme, Phineas White, Joseph Taber, Barnabas Clark, Silvester Bumpres, Seth Bumpres, Aaron Davis, Hezekiah Penington, Joshua Vincent, Nathaniel Sears, Nathaniel Sears, jun. Abraham Ashley, jun. and Joseph Whitridge, with their families and estates, together with such other of the inhabitants of any of said towns, as have or may hereafter at any time on or before the first day of *April*, in the year of our Lord one thousand eight hundred and six, associate themselves for that purpose,*

purpose, in the manner hereinafter described, be, and are hereby incorporated into a religious Society, by the name of *The First Baptist Church and Society in New-Bedford*, with all the powers, privileges and immunities to which other parishes are by law entitled.

How to become a member of this Society.

SECT. 2. *Be it further enacted*, That any person or persons in either of the towns aforesaid, being of the Baptist denomination aforesaid, who may actually become a member of, and unite in religious worship with the Society aforesaid, within the time limited by the first section of this Act, by giving in his or her name to the Clerks of either of the towns aforesaid, signed by the Minister or Clerk of said Society, that he or she has actually become a member of, and united in religious worship with the Society aforesaid, shall, from and after giving in such certificate, with his or her polls and estate, be considered as a part of said Society: *Provided however*, That such person or persons shall be held to pay their just proportion of all monies assessed in said towns for the support of public worship previous to that time.

First meeting.

SECT. 3. *Be it further enacted*, That the Hon. *Alden Spooner*, Esq. or some other Justice of the Peace in said county of *Bristol*, be, and is hereby authorized and empowered to issue his warrant to some suitable member of said Society, requiring him to notify and warn the members of the said Society, to meet at such time and place as shall be appointed in said warrant, to choose such officers as parishes in this Commonwealth are by law entitled to choose in the months of *March* or *April* annually.

[This Act passed *March 14, 1805.*]

An ACT making a temporary Alteration in the Toll receivable on certain Articles, by the Proprietors of the Upper Locks and Canals on *Connecticut River*, in the County of *Hampshire*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That for the term of seven years, next after the passing of this Act, the Proprietors of the Upper Locks and Canals on *Connecticut River*, in the county of *Hampshire*, be, and hereby are authorized to demand and receive for every thousand feet of boards passing through the Locks and Canals of said Proprietors, the sum of *eighty cents*, and for other lumber in like proportion; the same to be, during said term, in lieu of the toll granted on said articles by the original Act.

[This Act passed *March 14, 1805.*]

An ACT to incorporate *The First Congregational Parish in the Town of Franklin*, and for other Purposes.

WHEREAS the town of *Franklin* since their incorporation have from time to time transacted parish business in their public town-meetings, but doubts have lately arisen respecting the legality of such their proceedings, and have requested this Court to ratify and confirm the same : Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the votes and proceedings of the town of *Franklin*, since their incorporation as a town, so far as relates to parish business, be, and they are hereby ratified, confirmed and made valid, to all intents and purposes, as if the same votes and proceedings had been transacted and done in a legal parish meeting. Votes confirmed.

SECT. 2. *Be it further enacted,* That all the inhabitants of the said town of *Franklin*, with all the lands in the said town, (except such inhabitants and lands as do by law belong to some other precinct or parish, or are exempt by law from doing parish duty in said town of *Franklin*,) be, and they hereby are incorporated into a parish by the name of *The First Congregational Parish in the town of Franklin*, with all the powers, privileges and immunities which other parishes do or may by law enjoy. Inhabitants incorporated as a parish.

SECT. 3. *Be it further enacted,* That either of the Justices of the Peace for the county of *Norfolk* be, and he hereby is authorized to issue his warrant, directed to some member of said parish, requiring him to notify and warn all the members thereof, qualified by law to vote in parish affairs, to meet at such time and place in said town of *Franklin* as shall be expressed in said warrant, to choose such officers as parishes are by law required to choose in the month of *March* or *April* annually, and to transact all other matters and things necessary to be done in the said parish. First meeting.

[This Act passed *March 14, 1805.*]

An ACT in addition to an Act, entitled, "An Act to establish a Corporation, by the Name of *The Belchertown and Greenwich Turnpike Corporation.*"

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *The Belchertown and Greenwich Turnpike Corporation* are hereby authorized and empowered to extend their turnpike road from the south parish meeting-house in *Greenwich* to the meeting-house in the north parish in said

Extension of
road.

town, in as direct a line as the nature of the ground will admit, in the same way and manner, and under the same privileges and restrictions, as are prescribed and contained in the Act, entitled, "An Act to establish a Corporation by the name of *The Belchertown and Greenwich Turnpike Corporation*."

Corporation
authorized to
remove the
gate.

SECT. 2. *And be it further enacted*, That when said turnpike shall be sufficiently made, and so approved by a Committee appointed by the Court of General Sessions of the Peace for the county of *Hampshire*, then the said Corporation shall be authorized to remove the gate established by the Act aforesaid, in such manner and place as the same Committee shall direct. And said Corporation shall be entitled to receive, in lieu of the toll granted in and by the Act aforesaid, of each traveller and passenger at said gate, the following rates of toll, viz. For every coach, chariot, phaeton or other four-wheel carriage, drawn by two horses, *twenty-five cents*; and if drawn by more than two horses, an addition of *four cents* for each horse; for every cart or waggon drawn by two oxen or horses, *ten cents*; and if drawn by more than two oxen or horses, an addition of *three cents* for each ox or horse; for every curricule, *twelve cents and five mills*; for every chaise, chair or other carriage drawn by one horse, *twelve cents five mills*; for every man and horse, *five cents*; for every sled or sleigh drawn by two oxen or horses, *seven cents*, if drawn by more than two oxen or horses, an addition of *two cents* for each ox or horse; for every sled or sleigh drawn by one horse, *five cents*; for all horses, mules, oxen or neat cattle led or driven, besides those in teams and carriages, *one cent* each; for all sheep or swine at the rate of *three cents* per dozen: *Provided*, the said Corporation may, if they see fit, commute the rate of toll with any person or with the inhabitants of any town through which said road may pass, by taking of him or them a certain sum annually, to be mutually agreed upon in lieu of the toll aforesaid; and no toll shall be taken of any person going on or returning from military duty, to or from public worship, to or from any mill, or elsewhere about his common and ordinary business within the town where he resides.

New toll estab-
lished.

[This Act passed March 14, 1805.]

An ACT to annex a certain Island, called *The Great Island*, in *Connecticut River*, to the Town of Gill, and to regulate the Fishery at and near the same.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the first day of *April* next, the island in *Connecticut River*, situate in the falls between the towns of Gill and *Montague*, in the county of *Hampshire*, and known

known by the name of *Great Island*, adjoining the canal dam, Great Island be, and the same is hereby annexed to the town of *Gill*, and annexed to Gill. shall forever after be considered as part of said town.

SECT. 2. *And be it further enacted*, That the said town of *Gill* shall have the full and exclusive right of taking fish at Right to fish-ery. and near said island, under the restrictions and regulations hereinafter provided.

SECT. 3. *And be it further enacted*, That the taking and disposing of said fish shall be under the care and management of a Committee of said town of *Gill*, who shall dispose of them Fish Commit-tee. in such manner, for the benefit of said town of *Gill*, as they shall judge best, and account with the Treasurer of said town of *Gill* for the proceeds thereof on or before the first day of *September* annually; and the money arising therefrom shall be appropriated to the use and benefit of said town of *Gill*: And the Committee shall have a reasonable allowance for their service, and lay their accounts before the Selectmen for their allowance; said Committee shall consist of three freeholders in said town of *Gill*, and be chosen by ballot in the months of *March* or *April* annually, who shall be sworn to the faithful discharge of their duty as other town officers are. Committee to be compensated.

SECT. 4. *And be it further enacted*, That if any person or persons shall enter on said island and shall make use of any seine, net or machine of any kind for the purpose of taking fish at or near the same, without permission first obtained from the Committee aforesaid, shall forfeit and pay a sum not less than *five dollars*, nor more than *thirteen dollars*. Penalty for fishing illegally.

SECT. 5. *And be it further enacted*, That the Treasurer of said town of *Gill* is hereby empowered, on the complaint of any of the Committee aforesaid, to sue for and recover all fines and forfeitures incurred by a breach of this Act, before any Justice of the Peace in said county, and all fines, so recovered, shall be, one half to the use of the prosecutor, and the other half to the said town of *Gill*. Treasurer to sue for fines.

SECT. 6. *And be it further enacted*, That any of the Committee aforesaid, or any of the inhabitants of said town of *Gill* may be admitted as witnesses in any prosecution for the breach of this Act. Witnesses.

SECT. 7. *And be it further enacted*, That the price of one single shad, taken at or near said island, shall not at any time exceed *eight cents*; and said Committee, or the major part of them, may, whenever they think proper, by writing under their hands, license any poor person belonging to said town of *Gill* to take fish at or near said island without paying anything therefor; any thing in this Act to the contrary notwithstanding. Price of shad.

SECT. 8. *Be it further enacted*, That this Act shall continue in force five years from and after the passing thereof, and no longer. Act limited.

[This Act passed March 14, 1805.]

An

An ACT to authorize *Jonathan Wilson* and others to build a Bridge over the River *Passagassawaukeag*, in the Town of *Belfast*.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Jonathan Wilson*, together with those who may hereafter associate with him, be, and they are hereby authorized to build a Bridge across the river *Passagassawaukeag*, in the town of *Belfast*, above the present ferry, from the south-east point or corner of *Nathaniel Patterfen's* farm, to the opposite shore, and for that purpose shall have all the powers and privileges incident to Corporations for building bridges, by the name of *The Proprietors of the East Bridge in Belfast*; and by that name may sue and be sued, defend and be defended, prosecute and be prosecuted, to final judgment and execution, and do and suffer all such matters and things as Bodies Politic may or ought to do and suffer.

Place of the
bridge.

Corporate
name.

Dimensions,
&c of the
bridge.

Bridge to be
kept in repair.

SECT. 2. *And be it further enacted*, That the said Bridge shall be well built of suitable materials, at least twenty-two feet wide, with a draw of sufficient width for vessels to pass through, and sufficient rails on each side, with boarding or planking three feet high from the floor of said Bridge, for the safety of passengers, and the whole shall be kept in good and safe repair: *Provided however*, That if the said *Jonathan Wilson*, and his associates, shall neglect or refuse, for the space of three years, to build the said Bridge, then this Act shall be void and of no effect: And if the said Proprietors shall unreasonably neglect to keep the said Bridge in good repair as aforesaid, on such neglect being made to appear to the Court of General Sessions of the Peace for the county of *Hancock*, it shall be in the power of the said Court to prohibit the Proprietors aforesaid, from receiving toll from any person or persons passing the said Bridge, until it is by them put into such repair as shall be deemed sufficient by the said Court: And the said Proprietors shall be liable to pay all damages which may happen to any person from whom the toll is demandable, for any damage which shall come from any defect or want of repair in the said Bridge, upon a presentment of the Grand Jury of the said county.

SECT. 3. *And be it further enacted*, That for the reimbursing to the said *Jonathan Wilson*, and his associates, the money they may expend in building the said Bridge, and keeping the same in repair, a toll is hereby granted and established, for the benefit of the said *Jonathan Wilson* and his associates, according to the following rates, viz. For each foot passenger, *three cents*; for each man and horse, *ten cents*; for each horse and chaise, sulkey or riding chair, *twenty cents*; for each sleigh or sled, waggon or cart, drawn by one beast, *twelve and a half cents*; for each sleigh

Toll establish
ed.

sleigh, sled, waggon or cart, drawn by two beasts, *fifteen cents*, and if drawn by more than two beasts, an additional sum of *three cents* for each beast; for neat cattle, singly or in droves, *two cents* each; and for sheep or swine, *one cent* each; and to each team one person and no more shall be allowed as a driver, to pass free from toll; and at all times when the toll-gatherer shall not attend his duty, the passenger or carriage may pass free of toll. And the said toll shall commence on the day of opening the said bridge for passengers, and shall continue for and during the term of sixty years, at the end of which time the said Bridge shall be delivered up in good repair to be at the disposal of the Legislature. *Provided always*, That at the time of opening the said Bridge, the Proprietors and their successors shall cause a just and true account of the expenses thereof, and also at the end of every three years afterwards, a true and just account of their receipts and disbursements, to be deposited in the office of the Secretary of this Commonwealth; and that when ten years have elapsed from the date of this Act, the Legislature may regulate anew the rates of toll receivable at the said Bridge: And the said Proprietors shall constantly keep, in a conspicuous place, and fairly exposed to view, a sign or board, with the rates of toll, of all the tollable articles, legibly written thereon, in large or capital letters: *Provided however*, That the said toll may be commuted with any person or persons, or with any corporation, by taking a certain sum annually, as may be mutually agreed on, in lieu of the toll aforesaid.

Statements of
expenses and
receipts to be
exhibited

Sign board.

SECT. 4. *And be it further enacted*, That upon application of any three of the Proprietors aforesaid, to either of the Justices of the Peace within and for the county of *Hancock*, it shall be the duty of such Justice to issue his warrant, directed to some member of said Corporation, requiring him to notify and warn a meeting of said Proprietors, to be holden at such time and place as shall be appointed in said warrant, to choose such officers as said Corporation are empowered to choose: And the said Corporation, at the same or any subsequent meeting, may determine on the mode of calling future meetings, and may make and adopt such by-laws, rules and regulations as may be necessary and convenient for the management of their affairs, provided they are not repugnant to the Constitution and Laws of this Commonwealth.

Proprietors'
meeting.

[This Act passed March 14, 1805.]

An ACT to set off *Joseph Curtis*, with his Family and Estate, from the First, and annex him to the Third Parish in *Roxbury*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Joseph Curtis*, husbandman, of *Roxbury*, in the county of *Norfolk*,

Norfolk, with his polls, family and estate, be, and hereby are set off from the first parish, and annexed to the third parish, commonly called *Jamaica Plain*, in the said town of *Roxbury*: *Provided*, That the said *Joseph Curtis* shall previously pay his proportion of all parochial charges assessed upon him and due to the said first parish prior to the date of this Act.

[This Act passed *March 15, 1805.*]

An ACT for extending the *Norfolk and Bristol Turnpike*, from *Roxbury* to *Pleasant-Street*, in *Boston*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That The *Norfolk and Bristol Turnpike Corporation*

be, and hereby is authorized to lay out and make a turnpike road, commencing at or near the termination of the present road in *Roxbury*, and running north-westerly of *Roxbury-Street*, so called, and over the marsh and flats westerly of the store of *John Davis Williams* on *Boston Neck*, and thence to make a bridge or causeway to some part of *Pleasant-Street* in *Boston*; the whole to be laid out and made, as near as may be found practicable and convenient, in a straight line from the commencement thereof in *Roxbury* to said *Pleasant-Street*, and to be located by the Committee appointed by the General Court to locate the said *Norfolk and Bristol* turnpike road, and the same shall be laid out on the marsh and flats not more than six nor less than four rods in width, and on the upland not more than four nor less than three rods in width; and the said bridge or causeway and road shall be not less than thirty-six feet wide in the travelled path, with sufficient rails on each side, for the safety of passengers; and the said Corporation shall put up and maintain lamps at the distance of two hundred feet apart, on each side, from said *Pleasant-Street*, to the boundary line between *Boston* and *Roxbury*, which shall be well supplied with oil and lighted in due season and kept burning until midnight: And the earth that may be taken to make said road or causeway over said marsh and flats shall all be dug and taken on the westerly side thereof.

SECT. 2. *And be it further enacted*, That the said Corporation may purchase and hold the land over which they may make said road and causeway, and shall be holden to pay all damages which shall arise to any person by taking his land therefor, when it cannot be obtained by voluntary agreement, to be estimated by a Committee to be appointed by the Courts of General Sessions of the Peace, of the counties of *Suffolk* and *Norfolk* respectively, as the case may require, saving to either party the right of trial by jury according to the law which

Course of the
extended road,
&c.

Dimensions,
&c.

Corporation to
pay damages
for land taken

which provides for the recovery of damages accruing by laying out public highways.

SECT. 3. *And be it further enacted,* That when the said road and bridge or causeway shall be sufficiently made, and shall be allowed and approved by the Committee first mentioned, the said Corporation shall be entitled to demand and receive from each traveller and passenger the following rates of toll, to wit, For each foot passenger or one person passing, *one cent*; every man and horse, *four cents*; each single-horse cart, sled or sleigh, *six cents*; each wheelbarrow, handcart, or other vehicle capable of carrying like weight, *two cents*; each single horse and chaise, chair or sulkey, *twelve and a half cents*; coaches, chariots, phaetons and curricles, *twenty-five cents* each; and if drawn by more than two horses, an additional sum of *four cents* for each horse; all other wheel carriages, sleighs or sleds, drawn by more than one horse or ox, *twelve and a half cents* each; and if drawn by more than two, an additional sum of *three cents* for each horse or ox; neat cattle and horses, exclusive of those driven in carriages or teams, *two cents* each; swine and sheep, *six cents* for each dozen, and at the same rate for a greater or less number: And to each team one person and no more shall be allowed as a driver to pass free from toll: And the said Corporation is hereby authorized to erect a gate for collecting said toll on any part of the said road, bridge or causeway; or if they shall deem it more advisable, they may erect two gates for that purpose within the town of *Boston*, one on said bridge or causeway, and the other on some part of said road, at each of which gates they may demand and receive one half of the above rates of toll: *Provided*, That if they shall so erect two gates, each foot passenger over said bridge or causeway shall pay *one cent*, and nothing for passing over said road: And when no toll-gatherer shall be present at either of said gates to receive the toll, the said gate shall be left open and passengers be permitted to pass freely.

SECT. 4. *And be it further enacted,* That the said Corporation shall, within six months after the said road and bridge or causeway are completed, lodge in the Secretary's office an account of the expenses thereof; and shall include in the account to be annually exhibited by them to the Governor and Council, the tolls and disbursements arising thereon; and the said expenses, tolls and disbursements shall be included in the estimate or account to be hereafter taken and made for the purposes mentioned in the twelfth section of the Act for establishing the said Corporation, in the same manner as if the said road and bridge or causeway had been expressly included and granted in and by the said Act: *Provided always*, That the said Corporation in extending the said turnpike,

as

Present roads
not to be in-
jured.

as provided for in this Act, shall not erect any gate or gates on any road or street now travelled or used, and shall not in any manner change or alter any road or street now travelled or used, so that such road or street be thereby made less convenient or suitable for passing than the same now is.

Certain streets
to be allowed.

SECT. 5. *And be it further enacted*, That the Selectmen of the town of *Boston* and *Roxbury* shall have a right to lay out streets from the main street to the said road and causeway, and also streets westerly therefrom; and abutters on said road shall have the privilege of passing to and from their lands upon each side of said road and causeway as though the said road were a public highway.

Draw at the
bridge.

SECT. 6. *And be it further enacted*, That the said Corporation shall make a good and sufficient draw or passage-way, not exceeding thirty feet in width, which shall be well lighted whenever and in such place as the Selectmen of *Boston* shall direct, for the passage of vessels, through which vessels and rafts may pass free of toll, the said draw to be raised, except for the passing of pleasure boats, by said Corporation.

[This Act passed *March 15, 1805.*]

An ACT for the incorporating of certain Persons for the Purpose of making, laying and maintaining Side-Booms in *Androscoggin River*.

Preamble.

WHEREAS it appears that the making and maintaining of side-booms in *Androscoggin River*, from *Androscoggin Bridge*, to the narrows of said river in *Brunswick* and *Topsham*, for the purpose of stopping and securing masts, logs and other lumber which are drifted down said river, would be of great public as well as private advantage:

Names of per-
sons incorpo-
rated.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Thomas Thompson, William Stanwood, Elijah Hall, Paul Hall, Humphry Purinton, Cornelius Thompson, Truwothy Kilgore, Francis Tucker, and Johnson Wilson*, and their associates, successors and assigns, be, and they are hereby constituted a Corporation for making, laying and maintaining side-booms in suitable and convenient places in *Androscoggin River*, from *Androscoggin Bridge* to the narrows of said river, in *Brunswick* and *Topsham*, so long as they shall continue Proprietors of the fund raised or which may hereafter be raised for that purpose, and shall be a Body Politic by the name of *The Proprietors of Side-Booms in Androscoggin River*, and by that name may sue and prosecute, and be sued and prosecuted to final judgment and execution, and may do and suffer all other matters and things which Bodies Politic may or ought to do and suffer; and

Corporate
name.

and also may make, have and use a common seal, and the same again, at pleasure, may break, alter and renew.

SECT. 2. *And be it further enacted*, That the said Proprietors, or any five of them, may, by an advertisement posted up at some place of public resort, in each of the said towns of *Brunswick* and *Topsham*, call a meeting of the said Proprietors, to be holden at some suitable time and place, not less than fifteen days after the posting up of said advertisement; and the said Proprietors, by a vote of the major part of the Proprietors present or represented at said meeting, shall choose a Clerk and other officers, as occasion may, from time to time, require, who shall be sworn to the faithful discharge of their respective trusts; and shall also agree upon a method for calling future meetings of the said Proprietors; and at the same or any subsequent meeting, may make and establish any rules and regulations that may be necessary and convenient, for effecting, completing and executing the purposes aforesaid, or for collecting the fees hereafter granted; and for breaches of said rules and regulations may order and exact fines and penalties not exceeding *twenty dollars*; *provided*, that the said rules and regulations are not repugnant to the Constitution and laws of this Commonwealth: And all representations made at such meetings shall be done in writing, and signed by the person making the same, which shall be filed with and recorded by the Clerk; and this Act, with all rules, regulations and votes of the said Corporation, shall be truly and fairly recorded by the said Clerk, in a book or books for that purpose to be provided and kept.

Proprietors' meeting how to be called, and what business may be done.

SECT. 3. *And be it further enacted*, That the said Corporation shall on or before the twentieth day of *May*, in each and every year, provide a sufficient and convenient landing-place, for gondolas and boats, at or near *Mason's Rock*, so called, in *Brunswick*; and it shall be the duty of said Corporation, after due notice received, to remove any obstruction, by timber or other lumber, by them secured, to the launching of vessels, which may hereafter be built on the banks of said river.

Landing-place to be provided.

SECT. 4. *And be it further enacted*, That the said Corporation shall be entitled to, and receive of the respective owner or owners of logs and other lumber by them stopped in said river, raised and properly secured for the owner, the following respective fees, viz. For each mast, *sixty-six cents*; for each log or logs sufficient to make a thousand feet of boards, *forty cents*; for each boom, *sixty-six cents*; for each bowsprit, *sixty-six cents*; for each ton of oak timber, *thirty-four cents*; for each ton of pine timber, *twenty-five cents*; for each hundred of ranging timber, *sixteen cents*; for each thousand of shingles, *eleven cents*; for each thousand of staves, *sixteen cents*; for each thousand

Fees.

of

of clapboards, *sixteen cents*; and for any other kind of lumber in the same proportion: *Provided nevertheless*, That the fees aforesaid shall, at all times hereafter, be subject to the revision and alteration of the Legislature.

Lumber, &c. may be retained till fees are paid, or tendered.

SECT. 5. *And be it further enacted*, That for securing and recovering the payment of the said fees respectively, it shall be lawful for the said Corporation, by their several agents and servants to be appointed as aforesaid, to hold and retain any logs or other lumber, by them stopped in said river, rafted and properly secured for the owner as aforesaid, until payment or tender of the said fees respectively which shall have thereby become due to the said Corporation: And it shall be the duty of the said Corporation, their agents and servants as aforesaid, on payment or tender of the fees as aforesaid, to restore and acquit to the owner or owners claiming the same, and producing, if required, reasonable proof of his or her property therein, all such logs and other lumber, which shall be at any time stopped and secured as aforesaid; and on failure thereof, the said Corporation shall forfeit and pay to such owner or owners, double the value of such logs or other lumber, so unlawfully detained as aforesaid, to be recovered by the said owner or owners by action, to be commenced and pursued before any Justice of the Peace, or other Court within the county, having jurisdiction of such suit.

Lumber, &c. to be advertised and sold after certain time, and the disposal of the proceeds directed.

SECT. 6. *And be it further enacted*, That if within five months from the time of securing such logs or other lumber, no owner or owners shall appear to claim and receive the same, and pay the fees as aforesaid, it shall be the duty of the said Corporation, their agents and servants as aforesaid, to publish and advertise, for the space of twenty one days at the least, at some public place in each of the towns of *Topsham* and *Brunswick*, and also in one of the newspapers printed in *Portland*, all such remaining logs and other lumber, and describe the same as nearly as may be, with the marks appearing thereon: And if after the expiration of thirty-five days from the time of posting up such advertisements, no owner or owners shall appear as aforesaid, all such logs or other lumber shall be sold and disposed of at public vendue for the most that can be obtained, and the proceeds of such sale shall be retained and held by the said Corporation for the space of one year thereafter; and any person or persons, within that time, proving his or their property in the said logs or other lumber, which have been sold as aforesaid, shall be entitled to the overplus of such proceeds, after deducting the respective fees due for saving the same, together with all reasonable charges incurred by such advertisements and sale: And if no owner or owners shall appear within that time, the said overplus shall be paid, one half into the Treasury of the county of *Cumberland*, and the

the other half into the Treasury of the county of *Lincoln*: *Provided always*, That the Clerk of the said Corporation shall lodge with the Clerks of each of the towns of *Brunswick* and *Topsham*, within ten days after such sale, a memorandum in writing, of the said logs or other lumber, describing the same as nearly as may be, and an account of the proceeds of the sale thereof, signed by the Clerk, or one of the agents or officers of the said Corporation for the time being.

[This Act passed *March 15, 1805.*]

An ACT to incorporate *Hannah Balch, Sarah Thompson*, and others, into a Society, by the Name of *The Newburyport Female Charitable Society*.

WHEREAS *Hannah Balch, Sarah Thompson*, and a number of other ladies of the town of *Newburyport*, have Preamble. associated for the charitable purpose of rescuing from poverty and vice, instructing and employing, and training up to virtue and usefulness, female orphan children; and to carry their association into effect, have petitioned to be incorporated:

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said *Hannah Balch, Sarah Thompson*, and their associates, together with such others as may become subscribers to the same institution in the manner hereinafter provided, be, and they are incorporated into a Society, by the name of *The Newburyport Female Charitable Society*, and by that name shall be a Corporation forever, with power to have a common seal; to make contracts relative to the objects of their institution; to sue and be sued; to establish by-laws and orders for the regulation of the said Society, and the preservation and application of the funds thereof, provided the same be not repugnant to the Constitution or laws of this Commonwealth; to take, hold and possess any estate, real or personal, by subscription, gift, grant, purchase, devise or otherwise, free from taxes; and the same to improve, lease, exchange, or sell and convey, for the sole benefit of said institution, provided the value of the real estate of said Society shall never exceed *thirty thousand dollars*; and the annual income of the whole estate of said Society shall not exceed *twenty thousand dollars*. General powers of the Corporation.

SECT. 2. *And be it further enacted,* That every married woman belonging to said Society, who shall, with the consent of her husband, receive any of the money, or other property of said Society, shall thereby render her said husband accountable therefor, to said Society; and every woman, whether sole or married, who shall subscribe and pay to the funds of said Society the sum of *two dollars* annually, shall, by subscription and payment, The husband of a member accountable for the money received by her.

ment, become a member of said Society, liable however to be removed, whenever she shall refuse or neglect to pay her said annual subscription.

Annual meet-
ing for choice
of Treasurer,
&c.

Special meet-
ings.

Treasurer to
be a single wo-
man.

Power of the
Board of Man-
agers.

SECT. 3. *And be it further enacted*, That the said Society shall meet in *Newburyport* on the second Tuesday in *June* annually, for the purpose of electing, by ballot, from their members a Treasurer, and a Board to consist of not less than nine, nor more than twelve Managers; which Board shall elect from among themselves, a First and Second Directress, a Secretary, and any other needful officers; all which officers shall hold their said offices for one year, and until others shall be elected to succeed them: And the Managers for the time being shall publish a notification of the time and place of each annual meeting, in one or more of the newspapers printed in *Newburyport*, at least seven days before the time of holding the same. Upon any urgent occasion, the First or Second Directress, or when requested in writing by thirty members of said Society, any five of the Managers may appoint a special meeting of said Society, to be notified in the same manner as annual meetings: And at any special meeting of the Board of Managers, seven days previously notified by the Secretary for that purpose, at the request of the First and Second Directress, or any seven of their number, they may remove any Manager from office, and by ballot fill any vacancy so made, or by death, *provided*, that in case of removal or otherwise, two thirds of their whole number shall concur.

SECT. 4. *And be it further enacted*, That the Treasurer of said Society shall always be a single woman, of the age of twenty-one years or upwards, and shall give bond, with sufficient surety or sureties, to account annually, or oftener if required by said Society or the Board of Managers, for all money and property of said Society coming to her hands, and in general, to discharge the duties of her said office with fidelity.

SECT. 5. *And be it further enacted*, That the Board of Managers for the time being, shall have the management and application of the subscriptions, funds and estate of the Society, solely for the purpose of this institution; and no sale or transfer of any real or personal estate of said Society shall be valid, unless approved by them; and no money shall be paid out of the treasury of said Society except in pursuance of the order of the said Board of Managers. They shall likewise have authority, at their discretion, to take into their asylum such female orphan children as they may judge suitable objects of charity to enjoy the benefits of the institution; and also to accept a surrender, in writing, by the father, or where there is no father, by the mother of any female child or children, to the care and direction of said Society; and to bind out in virtuous families, until the age of eighteen years, or marriage within that age, any such orphans or children thus surrendered, or any female child or children, who,
being

being destitute of parents within this Commonwealth, shall have been relieved and supported by said Society: *Provided*, That any parent, whose child or children during the absence of their said parent out of this Commonwealth, shall have received relief and support, or been bound out as aforesaid, shall have liberty, on his or her return, to receive such child or children, upon paying to the Treasurer of said Society the expense incurred in her or their relief and support as aforesaid: And the Managers shall have authority to establish any rules and by-laws for the regulation of the proceedings of said Board, and the concerns of said Society, not repugnant to the laws of the Commonwealth, or the by-laws and orders of said Society. Not less than three Managers shall constitute a quorum for transacting business; and all questions shall be decided by the votes of a majority of the Managers present.

SECT. 6. *And be it further enacted*, That any writ or process against said Corporation may be served by the officer's leaving an attested copy thereof with the Treasurer of said Society, or at her usual place of residence, thirty days before the return day thereof; and the said Treasurer, or any agent appointed for that purpose by the Society, or by the Managers, may appear, by attorney, and defend or prosecute any suit in behalf of said Society.

Service of a writ against the Corporation.

SECT. 7. *And be it further enacted*, That all instruments of conveyance or contract, which may lawfully be made by said Society, if approved by the Board of Managers, shall be signed by the First or Second Directress, and countersigned by the Secretary, and, if necessary, sealed with the common seal of said Society; and when so executed, shall bind the said Society, and be valid in law.

Signing of contracts.

SECT. 8. *And be it further enacted*, That *Hannah Balch* shall continue First Directress; *Sarah Thompson*, Second Directress; *Margaret Atwood*, Treasurer, *Hannah Bartlett*, Secretary; *Anne Norton*, *Dorcas Noyes, jun.* *Mary Gage*, *Elizabeth Epes Carter*, *Susanna Coffin*, *Elizabeth Jenkins*, and *Rebecca Marquand*, Managers; until the second Tuesday in June next, and until a new election shall be made as aforesaid; and shall be, and they hereby are, invested, during said time, with all the powers, which are herein given to said officers, respectively, who shall be elected pursuant to this Act.

First officers.

[This Act passed March 15, 1805.]

An ACT to incorporate certain Persons for the Purpose of building a Bridge over Cathanse River, in the County of Lincoln.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Zaccheus Beal*, *Josiah Colby*, *James Fulton*, *Elihue*

General powers.

Place of the bridge; and directions respecting the building of it.

Elihue Getchel, Robert Patten, David Patten, William Patten, Thomas Reed, Joseph Sprague, and James Sampson, together with such others as have or may hereafter associate with them, and their successors, be, and they are hereby constituted and made a Corporation and Body Politic by the name of *The Proprietors of Cathanse Bridge*; and by that name may sue and be sued to final judgment and execution, and may do and suffer all such matters, acts and things which Bodies Politic may and ought to do and suffer. And the said Proprietors shall be, and they hereby are authorized to erect a Bridge over the said *Cathanse River*, at the termination of the road lately laid out and accepted by the town of *Topsham*, to the landing in *Bowoinham*: And the said Bridge shall be well built, of good and durable materials, at the least twenty-four feet wide, with a draw not less than thirty feet in width, which shall be constantly attended, and at all times be opened by the Proprietors of the said Bridge, when required, through which vessels may pass, both by day and by night, without toll; and said Bridge shall be twelve feet high at the least above high water, across the channel; and the said Bridge shall be well planked and safely railed: And the said Corporation shall be liable to pay all damages which may happen to any person from whom the toll is demandable, for any damage which shall come from any defect or want of repair in the said Bridge, upon a presentment of the Grand Jury of the county of *Lincoln*.

Toll established.

SECT. 2. *Be it further enacted*, That for reimbursing to the said Proprietors their expenses in building the said Bridge, a toll be, and hereby is granted and established for the sole benefit of the said Proprietors, according to the rates following, viz. For each foot passenger, *two cents*; for each horse and rider, *six cents*: for each horse and chaise, chair, sulkey, or other two-wheel carriage, for pleasure, *ten cents*; for each coach, chariot, phaeton, curricule, or other four-wheel carriage, for pleasure, drawn by two horses, *twenty-five cents*,—and if drawn by more than two horses, *four cents* for each horse; for each cart or waggon, sleigh or sled, for burthen, drawn by one beast, *six cents*,—and if drawn by two beasts, *eight cents*,—and if drawn by more than two beasts, *two cents* for each beast; for all horses or neat cattle, singly or in droves, *two cents* each; and for sheep and swine, *one cent* each: And to each team one person and no more shall be allowed as a driver to pass free from toll: And at all times when the toll-gatherer shall not be attending his duty, the passenger or carriage may pass free of toll: And the said toll may be commuted with any person or persons, or with any Corporation, by taking of him or them a certain sum annually, as may be mutually agreed on, in lieu of the toll aforesaid: And after thirty years from the opening of the said Bridge, the General Court may regulate

The toll may be regulated anew after 30 years.

anew

anew the rates of toll receivable thereat : And the Proprietors shall erect, and constantly keep in a conspicuous place, and fairly exposed to view, a sign or board, expressing all the tollable articles, and the rate of toll for each article, legibly written or printed thereon, in large or capital letters. *Provided however,* That if the said Proprietors shall, for the space of four years, neglect to finish the said Bridge in a safe and convenient manner for passing, then this Act shall be null and void.

SECT. 3. *And be it further enacted,* That any three of the persons beforenamed may call the first meeting of the said Proprietors, by an advertisement in the *Portland Gazette*, in three successive papers, the last publication to be at least fifteen days before the time appointed in such advertisement for said first meeting. And the said Proprietors, by a vote of the majority of those present or represented at said meeting, shall choose a Clerk, who shall be sworn to the faithful discharge of said office, and shall also agree on a method of calling future meetings : And at the same or some subsequent meeting or meetings, may elect such other officers, and make and establish such by-laws and rules as to them may appear necessary or convenient for the regulation and government of the said Corporation, and for collecting the toll herein granted, and may annex penalties for the breach of any of their rules and by-laws, not exceeding *five dollars* : And all representations made at said meetings shall be done in writing, and filed with the Clerk ; and this Act, with all the votes and proceedings of the said Corporation shall be fairly and truly recorded by said Clerk, in a book or books for that purpose to be provided and kept.

First meeting.

Officers may be elected and by-laws made.

[This Act passed March 15, 1805.]

An ACT to establish a Corporation, by the Name of *The Bath Bridge and Turnpike Corporation.*

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Peleg Tollman, Dummer Sewall, Joshua Shaw, William Webb, Samuel Davis, Mark L. Hill, James Curtis, Isaiah Crooker, Dudley B. Hobart, and William King, together with such others as may hereafter associate with them, and their successors and assigns, shall be a Corporation, by the name of *The Bath Bridge and Turnpike Corporation* ; and shall have all the powers and privileges which are usually given to similar Corporations, for laying out and making turnpike roads, and keeping the same in good repair, for the purpose of laying out and making a turnpike road from *Bowdoin College* in *Brunswick*, to the new meeting-house in *Bath*, upon as straight a line as circumstances will admit, and a bridge over *New-Meadows*

Course of the road.

Two gates allowed.

Meadows River, in the same course : And the said turnpike road shall not be less than four rods wide, and the part to be travelled on not less than twenty-four feet wide in any part thereof : And when the road shall be sufficiently made, and shall be so allowed and approved, by a Committee appointed by the Court of General Sessions of the Peace for the county of *Lincoln* ; (provided that no member of said Committee shall have any share or interest in the said turnpike) then the said Corporation shall be authorized to erect two turnpike gates on the said road and bridge, in such manner and place as the said Corporation may judge necessary and convenient for collecting the toll ; *provided* that said turnpike gates be not erected on any road heretofore travelled.

Corporation may purchase and hold land for the road.

SECT. 2. *And be it further enacted*, That the said Corporation may purchase and hold land, over which they may make the said road ; and the Justices of the Court of General Sessions of the Peace in the county of *Lincoln*, are hereby authorized, on the application of the said Corporation, to lay out the said road, or any part thereof, as they, with the consent of the said Corporation, shall think proper : And the said Corporation shall be liable to pay all damages which may arise to any person by taking his land for such road, where the same cannot be obtained by voluntary agreement, to be estimated by a Committee appointed by the Court of General Sessions of the Peace for the said county of *Lincoln*, saving to either party the right of trial by Jury, according to the law which makes provision for the recovery of damages arising from the laying out of highways ; and if said Jury shall increase the damages estimated by such Committee, the said Corporation shall be holden to pay the costs of such trial by Jury.

Toll established.

SECT. 3. *And be it further enacted*, That it shall be lawful for the said Corporation to demand and receive of each traveller or passenger, the following rates of toll, viz. For every coach, chariot, phaeton, or other four-wheel carriage drawn by two horses, *twenty-five cents* ; and if drawn by more than two horses, an additional sum of *four cents* for each horse ; for every cart or waggon, drawn by two oxen or horses, *ten cents* ; and if drawn by more than two oxen or horses, an additional sum of *three cents* for each ox or horse ; for every curricule, *fifteen cents* ; for every chaise, chair, or other carriage drawn by one horse, *twelve and a half cents* ; for every man and horse, *six cents and a quarter* ; for every sled or sleigh, drawn by two oxen or horses, *eight cents* ; and if drawn by more than two oxen or horses, an additional sum of *two cents* for each ox or horse ; for every sled or sleigh, drawn by one horse, *six cents and a quarter* ; for all horses, mules, oxen, or neat cattle, led or driven, beside those in teams or carriages, *one cent* each ; for every foot passenger at the gate of said bridge, *three cents* ; and for all sheep

sheep and swine, at the rate of *three cents* by the dozen, and in that proportion for a greater or lesser number : *Provided however*, That the said Corporation may, if they see cause, commute the rate of toll with any person or persons, or with any Corporation, by taking of him or them a certain sum annually, to be mutually agreed on in lieu of the toll aforesaid : And the said Corporation shall, at each place where the toll shall be collected, erect in some conspicuous place, and constantly keep exposed to open view, a sign-board, with the rates of toll of all the tollable articles, fairly and legibly written thereon in large or capital characters : *Provided also*, That not more than half the rate of toll aforesaid shall be demanded for carts and waggons, the fellies of which shall not be less than six inches in width : And the General Court shall have the right otherwise to regulate the toll on carts and waggons, according to the width of the fellies of the wheels on which they shall run, and the burthen they shall carry.

Provision for waggons with broad fellies to their wheels.

SECT. 4. *And be it further enacted*, That if any person shall cut, break down, or otherwise injure or destroy either of the said turnpike gates, or shall dig up or carry away any earth from the said road, or in any other manner damage the same, or shall forcibly pass, or attempt to pass the said gate by force, with intent to avoid the payment of the legal toll at such gate, such person shall forfeit and pay a fine not exceeding *ten dollars* nor less than *five dollars*, to be recovered by the Treasurer of the said Corporation to their use, in an action of trespass : And if any person, with his team, cattle or horse, shall turn out of the said road, to pass the said turnpike gate, and again enter on said road, with intent to evade the toll due by virtue of this Act, such person shall forfeit and pay *two dollars*, to be recovered by the Treasurer of the said Corporation, to the use of the same, in an action of debt.

Penalty for injuring the gate or road.

SECT. 5. *And be it further enacted*, That if the said Corporation, or their toll-gatherer, or others in their employ, shall unreasonably delay or hinder any traveller or passenger, or shall demand and receive more toll than is by this Act established, the said Corporation shall forfeit and pay a sum not exceeding *ten dollars*, nor less than *two dollars*, to be recovered before any Justice of the Peace for the county of *Lincoln*, by any person injured, delayed or defrauded, in a special action of the case ; the writ in which shall be served on the said Corporation, by leaving a copy of the same with the Treasurer, or with some individual member, living in the county of *Lincoln*, or by reading the same to the said Treasurer or individual member, at least seven days before the day of trial ; and the said Treasurer or individual member shall be allowed to defend the same suit in behalf of the said Corporation : And the said Corporation

Penalty for delaying travellers or exacting excessive toll.

Corporation shall be liable to pay all damages which may happen to any person from whom the toll is demandable, for any damage which may arise from defect of bridges or want of repairs in the said way ; and shall also be liable to presentment by the Grand Jury, for not keeping the same in good repair.

Shares of de-
linquent Pro-
prietors to be
sold.

SECT. 6. *And be it further enacted,* That whenever any Proprietor shall neglect or refuse to pay any assessment duly voted and agreed upon by said Corporation, to their Treasurer, within sixty days after the time set for the payment thereof, the Treasurer of the said Corporation is hereby authorized to sell at public vendue the share or shares of such delinquent Proprietor, one or more, as shall be sufficient to defray the said taxes and necessary incidental charges, after having given public notice of such sale in one of the newspapers printed at *Portland*, the sum due on any such shares, and the time and place of sale ; and such sale shall be a sufficient transfer of the share or shares so sold to the person purchasing the same ; and producing a certificate of such sale, from the Treasurer to the Clerk of the said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the books of the said Corporation ; and such person shall be considered to all intents and purposes the Proprietor thereof ; and the overplus, if any there be, shall be paid on demand by the Treasurer, to the person whose shares were so sold.

Statements of
income and
disbursements
to be exhibit-
ed.

SECT. 7. *And be it further enacted,* That the said Corporation shall, within six months after the road is completed, lodge in the Secretary's office an account of the expenses thereof ; and that the said Corporation shall annually exhibit to the Governor and Council a true account of the income or dividend arising from the said toll, with their necessary annual disbursements on the said road ; and that the books of the said Corporation shall at all times be subject to the inspection of a Committee to be appointed by the General Court, and to the inspection of the Governor and Council, when called for.

Corporation
may be dissolv-
ed when indem-
nified.

SECT. 8. *And be it further enacted,* That the General Court may dissolve the said Corporation, whenever it shall appear to their satisfaction that the income arising from the toll shall have fully compensated the said Corporation for all monies they may have expended in purchasing, repairing and taking care of the said road, together with an interest thereon at the rate of *twelve per cent.* by the year ; and thereupon the property of the said road shall be vested in this Commonwealth, and be at their disposal : *Provided however,* That if the said Corporation shall neglect to complete the said turnpike road, for the space of five years from the passing this Act, the same shall be void and of no effect.

[This Act passed March 15, 1805.]

An

An ACT for incorporating certain Persons for the Purpose of building a Bridge over *Kennebeck River*, at *Skowhegan Falls*, in the Town of *Canaan*.

WHEREAS the erecting a Bridge over *Kennebeck River*, at *Skowhegan Falls*, would be of great public utility, and *Daniel Steward* and others, have petitioned this Court for an Act of incorporation to empower them to build said Bridge :

Preamble.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Daniel Steward, Bryce McClellan, Seth Currier, Judah McClellan, and James Bridge, with all those who have associated for the purpose, together with all those who shall hereafter become Proprietors in said Bridge, shall be a Corporation and Body Politic, under the name of The Proprietors of Skowhegan Bridge, and by that name may sue and prosecute, be sued and prosecuted to final judgment and execution, and do and suffer all other acts and things which Bodies Politic may and ought to do and suffer, and that said Corporation shall have full power and authority to make, have and use a common seal, and the same to break, alter and renew at pleasure.*

General powers.

SECT. 2. *And be it further enacted, That Daniel Steward and Bryce McClellan, may, by advertisement in the Kennebeck Gazette, printed in Augusta by Peter Eder, warn and call a meeting of the aforesaid Proprietors to be holden in Canaan aforesaid, at any suitable time after fourteen days from the publication of such advertisement, and the said Proprietors, by a vote of a majority of those present, accounting and allowing one vote to each share, (provided no person shall be entitled to more than ten votes,) shall choose a Clerk, who shall be sworn to the faithful discharge of his office ; also may at the same or at any subsequent meeting choose such other officers, as may be found necessary for managing the business of said Corporation, and shall agree on a method of calling future meetings ; and at the same, or at any subsequent meeting, may make and establish such rules and regulations as shall be deemed convenient or necessary, for regulating said Corporation, effecting, completing and executing the purposes aforesaid, and for collecting the toll herein granted ; and the same rules and regulations may cause to be observed and executed, and for the breach of any of them, may order and enjoin fines and penalties not exceeding thirteen dollars and thirty-three cents ; provided, that said rules and regulations be not repugnant to the laws and Constitution of this Commonwealth.*

First meeting, and the business which may be transacted.

SECT. 3. *And be it further enacted by the authority aforesaid, That the said Bridge shall be erected, placed and extended as follows, to wit ; From the northwardly bank of said Kennebeck River*

Where the bridge is to be built.

River to *Skowhegan Island*, and from said island to the southwardly bank of said river, near the store occupied by *Seth Carrier*; shall be built of good and sufficient materials, not less than twenty-four feet wide, and well covered with plank or timber suitable for such a Bridge, with sufficient rails on each side for the safety of passengers.

Toll established.

Duration of the toll, &c.

SECT. 4. *And be it enacted by the authority aforesaid, That for the purpose of reimbursing the said Proprietors of Skowhegan Bridge, the money expended, and to be expended in building, supporting and keeping in repair the said Bridge, and for indemnifying them for their risk, a toll be, and hereby is granted and established, for the sole benefit of said Corporation, according to the rates following, viz. For each foot passenger or one person passing said Bridge, two cents; one person and horse, six cents and a quarter of a cent; single horse-cart, sled or sleigh, twelve cents and a half cent; each wheel-barrow, hand-cart, and every other vehicle capable of carrying a like weight, four cents; each team, including cart, sled or sleigh, drawn by more than one beast, and not exceeding four, twenty-five cents, and for every additional beast above four, two cents; each single horse and chaise, chair or sulkey, twenty cents; each coach, chariot, phaeton and curricule, thirty-seven cents and a half cent; neat cattle and horses, exclusive of those rode on, or in carriages, or in teams, two cents each; sheep and swine, for each dozen, six cents and a quarter of a cent, and at the same rate for a greater or less number; and in all cases, the same toll shall be paid for all carriages passing said Bridge, whether the same be loaded or not; and to each team one man and no more shall be allowed as a driver, to pass free from payment of toll; excepting all persons, who shall actually be on military duty, shall be permitted, with their baggage, to pass said Bridge free of toll, and at all times when the toll-gatherer shall not attend his duty at the said Bridge, the gate or gates shall be left open: And the said toll shall commence on the day of the first opening of the said Bridge for passengers, and shall continue for and during the term of seventy-five years from the said day, and be collected as shall be prescribed by said Corporation: Provided, The said Proprietors shall at all times keep the said Bridge in good and passable repair, and at the end of said term of seventy-five years, the said Bridge shall be delivered over in good repair, to, and for the use of this Commonwealth: Provided also, That at the place where the toll shall be collected, there shall be erected by the said Corporation, and constantly exposed to open view a board or sign, upon which shall be written the rates of toll, and all the tollable articles, in large or capital letters.*

SECT.

SECT. 5. *And be it further enacted*, That if the said Corporation shall neglect or refuse, for the space of seven years from the passing of this Act, to build and complete said Bridge, then this Act shall be void and of no effect.

Time for building the bridge.

[This Act passed *March 15, 1805.*]

An ACT in addition to the Acts for incorporating fundry Persons for the Purpose of building a Bridge over *Merrimack River*, at *Patucket Falls*, between the Towns of *Chelmsford* and *Dracut*, in the County of *Middlesex*, and for supporting the same.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the following rates of toll be, and hereby are established for the benefit of the Proprietors of the said Bridge, in addition to the rates of toll heretofore established: For each foot passenger, *five mills*; for each horse and rider, *one cent and five mills*; for each additional rider, *one cent*; for each cart or other carriage of burthen drawn by one beast, *two cents and five mills*; for each waggon, cart or other carriage of burthen, drawn by two beasts, *seven cents and five mills*; for each additional beast, *one cent*; for each coach, chariot, phaeton, or other four-wheel carriage for passengers, *seven cents*; for each curricle, *three cents*; for horses and neat cattle, *one cent* each; for sheep and swine, *five mills* each; for a wheel-barrow and hand-cart, with one person, *one cent*; for each horse-chaise, chair or sulkey, *four cents and five mills*.

Additional toll.

SECT. 2. *And be it further enacted*, That no toll shall be demanded from any person or persons passing on military duty.

Exceptions.

[This Act passed *March 15, 1805.*]

An ACT to establish a Corporation, by the Name of *The Tyrringham and Lee Turnpike Corporation*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Roswell Richards, Seth Phillips, John Hulet, Hurd Price, Samuel Davis, Samuel Phillips, Benjamin Pitchard, Thomas C. Judd, George Heath, Roswell Bill, Samuel Hulet, Stephen Couch, Daniel Couch, Isaac Webster, Owen Swift, John Keep, Joseph Lillie, Abel Hall, Abijah Merrill, Samuel Hulet, (of Lee,) James Whitehead, Horatio G. Brown, Abraham Howk, (of Lee,) Joseph Rhoades, Elijah Peet, Elijah Kilborn, Job Hall, Jeremiah Leaming, Daniel Phelps, Nathaniel Rice, Jonathan Smith,*

Names of person incorporated.

Eli

General powers.

Course of the road.

Gate allowed.

Land may be purchased and held.

Eli Pichcet, Aaron Chapin, Joseph Buel, Ezra D. Roys, Asa Marbcham, Grove Smith, John Garfield, David Hobbs, Penuel Hobbs, Samuel Barker, jun. Alexander Barber, Elijah Heath, John Couch, jun. and Silvanus Hulet, together with such persons as may hereafter associate with them, and their successors and assigns, shall be a Corporation by the name of *The Tyringham and Lee Turnpike Corporation*; and by that name may sue and prosecute, and be sued and prosecuted, unto final judgment and execution; and have and use a common seal, and exercise and enjoy all other powers and privileges which are incident and usually given to similar Corporations, for the purpose of laying out, making and keeping in good repair a turnpike road, between *Tyringham* and *Lee*, in the county of *Berkshire*, as followeth: Beginning at the termination of *The Sheffield and Tyringham Turnpike*, near the dwelling-house of *Joseph Buel*, in *Tyringham* aforesaid; thence northerly, by the most favourable route, to near the dwelling-house of *Reswell Richards*, in said *Tyringham*; thence, by the most favourable route, to the notch of the mountain, north of the dwelling-house of *Eli Pichcet*, in said *Tyringham*; thence, by the most favourable route, to near the dwelling-house of *Benjamin Prichard*, in *Great-Barrington*; thence, by the most favourable route, to near the dwelling-house of *Joseph Rhoades*, in said *Great-Barrington*; thence, by the most favourable route, to near the dwelling-house of *Royal Hulbert*, in *Lee*; thence, by the most favourable route, to the road leading from *Stockbridge* to *Springfield*, near *Lee Forge Bridge*, (so called,) in *Lee*: And the said road shall not be less than four rods wide, and the path to be travelled on not less than twenty feet wide in any part thereof: And when the said turnpike road shall be well and sufficiently made, and shall be so approved by a Committee to be appointed by the Court of Common Pleas within and for the county of *Berkshire*, then the said Corporation shall be authorized to erect one turnpike gate on the said road, in such place and manner as shall be appointed by a Committee of the Court of Common Pleas within and for said county of *Berkshire*; provided that said turnpike gate shall not be erected on any road at present travelled.

SECT. 2. *Be it further enacted,* That the said Corporation may purchase and hold land over which they may make said road; and the Justices of the Court of General Sessions of the Peace within and for said county, are hereby authorized, on the application of the said Corporation, to lay out the said road, or any part thereof, as they, with the consent of said Corporation, shall think proper, by a Committee appointed by said Court: And the said Corporation shall be liable to pay all damages which may arise to any person by taking his land for such road, (when the same cannot be obtained by voluntary agreement,) to be estimated by said Committee; saving to either party the right of

of trial by Jury, according to the law which makes provision for the recovery of damages arising from laying out highways; and if said Jury shall increase the damage estimated by such Committee, the said Corporation shall be holden to pay the cost of such Jury trial.

SECT. 3. *Be it further enacted*, That it shall be lawful for the said Corporation to demand and receive of each traveller or passenger, the following rates of toll, viz. For every coach, chariot, phaeton, or other four-wheel carriage, drawn by two horses, *twenty-five cents*, and if drawn by more than two horses, an additional sum of *four cents* for each horse; for every cart or waggon, drawn by two oxen or horses, *twelve cents and five mills*, and if drawn by more than two oxen or horses, the additional sum of *three cents* for each ox or horse; for every curricie, chaise, chair, or other carriage, drawn by one horse, *twelve cents and five mills*; for every man and horse, *five cents*; for every sled or sleigh, drawn by two oxen or horses, *seven cents*, and if drawn by more than two oxen or horses, an additional sum of *two cents* for each additional ox or horse; for every sled or sleigh, drawn by one horse, *six cents*; for all horses, mules, oxen or neat cattle, led or driven, besides those in teams, *one cent* each; for all sheep or swine, at the rate of *three cents* per dozen: *Provided*, That said Corporation may, if they see fit, commute the rate of toll with any person, or with the inhabitants of any town, by taking of him or them a certain sum annually, to be mutually agreed upon in lieu of the toll aforesaid: *Provided*, That not more than half the toll before mentioned shall be paid for any cart or waggon the fellies of the wheels of which shall not be less than six inches broad; and that the General Court may hereafter regulate the toll on carts and waggons, according to the width of the fellies of the wheels on which they shall run, and the burthen they shall carry.

Toll established.

SECT. 4. *Be it further enacted*, That if any person shall cut, break down, or otherwise injure or destroy the said turnpike gate, or shall dig up or carry away any earth from the said road, or in any other manner damage the same, or shall forcibly pass, or attempt to pass the said gate by force, with intent to avoid the payment of the legal toll at such gate, such person shall forfeit and pay a fine not exceeding *ten dollars*, nor less than *five dollars*, to be recovered by the Treasurer of said Corporation to their use, in an action of trespass: And if any person with his team, cattle, or horse, shall turn out of said road to pass the said turnpike gate, and again enter on said road, with intent to evade the toll due by virtue of this Act, such person shall forfeit and pay *two dollars*, to be recovered by the Treasurer of said Corporation, to the use of the same, in an action of debt: *Provided however*, That nothing in this Act shall extend

Penalty for injuring the gate or road.

tend to entitle the said Corporation to demand or receive toll of any person who shall be passing on foot, or with his horse or carriage to or from public worship, or of any person for himself, or his servants, horses, cattle, sheep, team, cart, sled or sleigh, passing to or from his farm or land, or of any person passing to or from mill, or on the common and ordinary business of family concerns, or on military duty.

— for delaying
travellers, &c.

SECT. 5. *Be it further enacted*, That if the said Corporation, or their toll-gatherers, or others in their employ, shall unreasonably delay or hinder any traveller or passenger, or shall demand or receive more toll than is by this Act established, the said Corporation shall forfeit and pay a sum not exceeding *ten dollars* nor less than *five dollars*, to be recovered before any Justice of the Peace for the county of *Berkshire*, by any person injured, delayed or defrauded, in a special action on the case; the writ in which case shall be served on the said Corporation, by leaving a copy of the same with the Treasurer, or with some individual member, living within the county of *Berkshire*, or by reading the same to the said Treasurer or individual member at least seven days before the day of trial; and the said Treasurer or individual member shall be allowed to defend the same suit in behalf of the said Corporation: And the said Corporation shall be liable to pay all damages which may happen to any person from whom toll is demandable, for any injury which may be occasioned by defect of bridges, or want of repairs in said way; and shall be also liable to presentment by the Grand Jury for not keeping the same in good repair.

Shares considered
personal
estate, and the
mode of trans-
fer directed.

SECT. 6. *Be it further enacted*, That the shares in the same turnpike road shall be taken and deemed and considered to be personal estate to all intents and purposes, and shall and may be transferable; and the mode of transferring the said shares shall be by deed, acknowledged before any Justice of the Peace, and recorded in a book to be kept for that purpose by the Clerk of said Corporation, and such shares shall be liable to attachment and execution.

Shares of delin-
quents to be
sold, and the
mode directed.

SECT. 7. *Be it further enacted*, That whenever any Proprietor shall neglect or refuse to pay any tax or assessment, duly voted and agreed upon by the Corporation, to their Treasurer, within sixty days after the time set for the payment thereof, the Treasurer of said Corporation is hereby authorized to sell at public vendue, the share or shares of such delinquent Proprietor, one or more, as shall be sufficient to defray said taxes and necessary incidental charges, after duly notifying in some newspaper printed in the county of *Berkshire*, the sum due on any such share or shares, and the time and place of sale, at least twenty days previous to the day of sale; and such sale shall be a sufficient transfer of the share or shares so sold, to the person purchasing; and on producing a certificate of such sale from
the

the Treasurer to the Clerk of said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the book of said Corporation, and such person shall be considered to all intents and purposes the Proprietor thereof; and the overplus, if any there be, shall be paid on demand, by the Treasurer, to the person whose share or shares shall have been thus sold.

SECT. 8. *Be it further enacted, That Roswell Richards, John Hulet, and Abijah Merrell, or any two of them, may appoint and notify a meeting of said Corporation, for the purpose of choosing a Clerk, (who shall be under oath,) and such other officers as may then be determined upon by said Corporation, for regulating the concerns thereof; and the said Corporation may then and there agree upon such method of calling future meetings, as they may judge proper.* First meeting.

SECT. 9. *Be it further enacted, That the said Corporation shall, within six months after the said road is completed, lodge in the Secretary's office an account of the expenses thereof; and the said Corporation shall annually exhibit to the Governor and Council, a true account of the income or dividend arising from said toll, with their necessary annual disbursements on said road; and that the books of said Corporation shall be at all times subject to the inspection of a Committee of the General Court, and to the inspection of the Governor and Council when called for.* Account of expenses and of receipts and disbursements to be exhibited.

SECT. 10. *Be it further enacted, That the General Court may dissolve the said Corporation, whenever it shall appear to their satisfaction, that the income arising from the toll shall have fully compensated the said Corporation for all monies they may have expended in purchasing, repairing and taking care of said road, together with an interest thereon at the rate of twelve per cent. by the year; and thereupon the property of the said road shall be vested in this Commonwealth, and be at their disposal: Provided however, That if the said Corporation shall neglect to complete the said turnpike road for the space of three years from the passing of this Act, the same shall be void and of no effect.* Corporation may be dissolved when indemnified.

[This Act passed *March 15, 1805.*]

An ACT to incorporate the Proprietors of the *Branch Church* in Salem, in the County of *Essex*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the persons who now are, and who hereafter shall be Proprietors of the Branch Church in Salem, in the county of Essex, wherein the Rev. Joshua Spaulding now officiates, and of the land under and adjoining the same, be, and they*

General pow-
ers and privi-
leges.

they hereby are incorporated and made a Body Politic and religious Society, by the name of *The Branch Society*, and in that name may sue and be sued, and shall be invested with all the powers, privileges and immunities to which similar Societies in this Commonwealth are entitled by law, and shall be capable of purchasing and holding estate, real or personal, for the use of said Society, provided the annual income thereof, beside the house, shall not exceed, at any time, the value of *three thousand dollars*.

Money to be
raised by assess-
ments on the
pews.

SECT. 2. *Be it further enacted*, That the Proprietors of said house be, and they hereby are authorized and empowered to raise, by an assessment on the pews and seats in said house, such sum or sums of money, for the settlement and maintenance of a minister or ministers, repairing said house and other expenses of public worship, with incidental charges, as they shall agree on at any legal meeting called for that purpose, and the same may assess or cause to be assessed, upon such pews and seats as the Proprietors, at any such meeting, shall deem proper, according to the respective valuation made thereof, and recorded in the Proprietors' book, and the sums so assessed shall be paid by the Proprietors of such pews and seats; and if any Proprietor shall neglect to pay such assessment, which shall have been legally made, for the space of one year, the Treasurer of said Society shall be authorized and empowered to sell all the estate and interest of such delinquent Proprietor in said Corporation at public auction, first giving notice thereof fourteen days at least previous to the sale, by posting up notifications at two of the doors of said house, and upon such sale, to execute good and sufficient deed or deeds thereof; and after deducting said delinquent's assessment, with legal interest thereon, from the time of the assessment, with incidental charges, the Treasurer shall pay the surplus, if any there be, to such delinquent Proprietor.

Pews of delin-
quents may be
sold.

First meeting
how to be call-
ed;

SECT. 3. *Be it further enacted*, That *Ezekiel Savage*, Esq. be, and he hereby is empowered and directed to issue his warrant to some principal member of the said Corporation, requiring him to warn the members thereof to meet at such time and place as shall be therein set forth, to choose a Moderator and a Clerk, who shall be duly sworn, a Treasurer and such other officers as the Proprietors shall judge necessary, and the Moderator of that and all future meetings shall have power to administer the oath of office to the Clerk.

[This Act passed *March 15, 1805.*]

An ACT in addition to an Act, entitled, "An Act for incorporating certain Persons for the Purpose of building a Bridge over *Kennebeck River*, at *Fort Western*, in the Town of *Hallowell*."

WHEREAS the Proprietors of *Kennebeck Bridge* have represented to the General Court, that the compensation they derive from the present toll is inadequate, and praying for an enlargement of the toll over said Bridge :

Preamble.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the clause in a certain Act, entitled, "An Act for incorporating certain persons for the purpose of building a bridge at Fort Western, in the town of Hallowell," to which this is in addition, establishing the rates of toll for passing said Bridge, be, and the same is hereby repealed, and that the following rates of toll be, and hereby are granted to and established for the benefit of the said Proprietors; that is to say—For each foot passenger, two cents; for each horse with one rider, ten cents; for each single horse, cart, sled or sleigh, twelve cents and an half; for each wheel-barrow, hand-cart, and every other vehicle capable of carrying a like weight, four cents; for each team, including cart, sled or sleigh, drawn by two beasts, twenty-five cents; and if drawn by more than two, the additional sum of five cents for each additional beast; for each single horse and chaise, chair or sulkey, twenty cents; for each coach, chariot, phaeton or curricule, thirty-five cents; neat cattle, exclusive of those rode on in carriages, or in teams, four cents for each; sheep and swine, one cent for each.

New toll established.

[This Act passed March 15, 1805.]

An ACT to incorporate a Number of the Inhabitants of the Town of *Salem*, in the County of *Essex*, into a Society by the Name of *The Proprietors of the New South Meeting-House in Salem*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That John Norris, John Jenks, Michael Webb, Robert Peel, Robert Cowan, Addison Richardson, Samuel Cook, George W. Martin, William Chisbolm, Nathaniel Batchelder, Asa Killam, Deborah Buffinton, Asa Pierce, Josiah Woodbury, Timothy Brooks, Daniel Gregg, Eliphalet Butman, Daniel H. Mansfield, William Lufcomb, Joshua Goodale, Benjamin Cox, jun. Israel Williams, Thaddeus Guinn, Daniel Jenks, Benjamin Pickman, Jonathan Glover, Timothy Ropes, Nathaniel Safford, Robert Brook-*

Names of persons incorporated.

house,

house, Jonathan Neall, Josiah Austin, Thomas Francis, Jesse Smith, Archelaus Fuller, Solomon Towne, Nathaniel Felt, John Buffinton, Thomas Brooks, Thomas R. Williams, Jeremiah Shepard, Josiah Richardson, Joshua Cross, jun. Stephen Thayer, John Treadwell, Jerathmiel Pierce, Aaron Waitt, James Odell, Benjamin Tay, Josiah Caldwell, Nathaniel Frothingham, William Lang, Joseph Winn, John Winn, William S. Gray, John Leach, William Ives, William Lufcomb, 3d. Jeduthan Upton, Jonathan Marston, James Nichols, Joseph Symonds, Joseph Henfield, Asa Killam, jun. Paul Upton, Elijah Johnson, William Putnam, Charles Cleveland, Jabez Smith, Frederick Putnam, Thomas Manning, Henry Osborne, and Amos Adams, with such other persons as shall associate and become interested with them in manner hereinafter mentioned, be, and they hereby are incorporated and made a Body Politic, by the name of *The Proprietors of the New South Meeting-House in Salem.*

Corporation
allowed to hold
land, sue & be
sued, &c.

SECT. 2. *Be it further enacted,* That the said Corporation may purchase and hold the lot of land in Salem aforesaid, whercon they have lately built a meeting-house, and such other estate, real and personal, as the Corporation shall determine to own, *provided*, that the annual income of the whole estate of the Corporation, besides the meeting-house and land under it, shall not exceed *three thousand dollars* : And the said Corporation may sue and be sued, by its corporate name, may make and use a common seal, and break or alter it at pleasure ; may make any by-laws for the government thereof, and for the management of the corporate property, that a major part of the members present, (calculating according to their respective interests,) shall think for the best, *provided* the same are not contrary to the Constitution and laws of this Commonwealth ; and is invested with all the powers, privileges and immunities, to which other religious Societies in this Commonwealth are entitled by law.

Calculation of
members' property.

SECT. 3. *Be it further enacted,* That the property of the several members of the said Corporation, for the time being, shall be calculated according to their respective rights and interests in the pews and seats of the meeting-house lately built as aforesaid, at the valuation thereof, which hath been made ; and all persons who shall become Proprietors, or interested in said pews and seats, shall be deemed to have associated with, and shall become members of this Corporation, according to their respective interest in such pews or seats.

Assessments
authorized, &
the shares of
delinquents
may be sold.

SECT. 4. *And be it further enacted,* That the said Corporation are hereby authorized to raise, by an assessment on the pews and seats in the said meeting-house, such sum and sums of money, for the settlement and maintenance of a Minister or Ministers, for the purchase of said lot of land, for building up and repairing

pairing the meeting-house, and for defraying the other expenses of public worship, with incidental charges, as the members of the same shall agree on, at any legal meeting to be called for that purpose, according to the said valuation; and the sums so assessed shall be paid by the respective Proprietors of such pews and seats; and if any Proprietor of such pew or seat shall neglect to pay any assessment which shall be legally made thereon as aforesaid, for one year after the same shall have been made, the Treasurer of said Corporation, for the time being, shall be authorized and empowered to sell and convey all the estate, share and interest of such delinquent Proprietor in the said Corporation, at public auction, first giving notice thereof fourteen days at least previous to the sale, at two of the doors of said meeting-house; and upon such sale, to execute a good and sufficient deed or deeds thereof to the purchaser; and after deducting the amount of such delinquent's assessment, together with legal interest thereon, from the time the same was made, and all incidental costs and charges, the said Treasurer shall pay the surplus, if any there be, to such delinquent Proprietor.

SECT. 5. *And be it further enacted, That Ezekiel Savage, Esq. be, and hereby is authorized and directed to issue his warrant to some principal member of said Corporation, requiring them to meet at such time and place as shall be therein set forth, to choose a Moderator and a Clerk, (who shall be duly sworn,) a Treasurer, and such other officers as the Proprietors shall judge necessary; and the Moderator of that, and of all future meetings, shall have power to administer the oath of office to the Clerk.*

First meeting
how to be called.

[This Act passed *March 15, 1805.*]

An ACT defining the General Powers and Duties of Turnpike Corporations.

SECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That no Turnpike Corporation shall be hereafter created, except a Committee shall have first been appointed by the Legislature, and viewed the route proposed by the petitioners, who shall be at the expense thereof: And that all Committees appointed for the purpose aforesaid shall, before they proceed to view any proposed road, give public notice of the time and place of their meeting, by publishing the same in some newspaper printed in the county where said road is proposed to be laid, if any such paper is printed therein, and if not, in such other way as they may think will give general notice to all interested, and shall also give notice to one or more of the Select-*

Legislative
Committee to
be appointed
before any road
is granted.

men

men of each town through which they propose to view, and of the time they shall make their report to the Legislature, that all persons may then appear and shew cause, if any they have, against the prayer of the petition.

Court of Sessions to appoint a Committee when the road is granted.

SECT. 2. *Be it further enacted,* That whenever any grant is made for a turnpike road, and application is made to the Court of General Sessions of the Peace, within the county where said road is situated, said Court shall appoint a Committee of five disinterested freeholders within the same county, at the expense of the Corporation, who shall be invested with the same powers, observe the same rules, be under the same restrictions, perform the same duties, and make return of their doings in the same manner as is provided by law for similar Committees appointed by said Court for laying out public highways: And said Corporation shall be liable to pay all damages that may be estimated by said Committee, saving to either party the right of trial by jury, respecting damages only, according to law making provision for the recovery of damages arising from the laying out highways: *Provided however,* That said Corporation may purchase and hold lands over which they may make their road, in every such case, the estimation of damages shall be omitted by said Committee: And no turnpike road hereafter granted shall be less than four rods in width, and the travelled part of the same shall not be less than twenty-four feet in any part thereof.

Corporations to hold lands.

Erection of gates.

SECT. 3. *Be it further enacted,* That no gate shall be erected by any turnpike Corporation on any county or town road before established; and no turnpike gate shall be erected across any turnpike road, where full toll shall be demanded, except said gate be ten miles distant from any other turnpike gate on the same road, unless the Act granting the same road shall contain different provision.

Tolls established.

SECT. 4. *And be it further enacted,* That it shall be lawful for all turnpike Corporations that may be established by law, whenever the road shall be sufficiently made, and so allowed and approved by the Justices of the Court of Common Pleas, within said county where said road shall be situated, and they are hereby authorized to erect gates in such place or places as the said Justices shall direct, to demand and receive of each traveller or passenger, at each of said gates, the following rates of toll, viz. For each coach, chariot, phaeton, or other four-wheel spring carriage, drawn by two horses, *twenty-five cents*, and if drawn by more than two horses, *two cents* for each additional horse; for every waggon, drawn by two horses, *ten cents*, and if drawn by more than two, *two cents* for each additional horse; for every cart or waggon, drawn by two oxen, *ten cents*, and if by more than two, *twelve and a half cents*; for every curricule, *fifteen cents*; for every chaise, chair, sulkey or other carriage for pleasure, drawn by one horse, *twelve and*

and a half cents each; for every cart, waggon or truck, drawn by one horse, *six and one quarter of a cent* each; for every man and horse, *four cents*; for every sleigh or sled, drawn by two oxen or horses, *eight cents*, and if drawn by more than two oxen or horses, *one cent* for each additional ox or horse; for every sleigh or sled, drawn by one horse, *four cents*; for all horses, mules or neat cattle, led or driven, besides those in teams or carriages, *one cent* each; for all sheep or swine, at the rate of *three cents* by the dozen: *Provided however*, That the Corporation may, if they see cause, commute the rates of toll with any person or persons, or with any Corporation, by taking of him or them a certain sum annually, to be mutually agreed on, in lieu of the toll aforesaid; and carts or waggons having wheels, the fellies of which shall be six inches broad or more, shall be subject to pay only half the toll which carts or waggons otherwise constructed shall be liable to pay: And all turnpike Corporations shall erect in some conspicuous place, where the toll is collected, exposed to view, a sign-board, with the rates of toll of all tollable articles fairly and legibly written or printed in capital letters; and whenever said Corporation shall neglect so to do, they shall not be entitled to demand or receive any toll at the said gate.

Commutation
of tolls allow-
ed,

SECT. 5. *And be it further enacted*, That if any person shall cut, break down or otherwise injure or destroy any turnpike gate, on any turnpike road hereafter established, or shall dig up or carry away any earth or gravel from such turnpike road, or in any other manner damage the same, or shall forcibly pass, or attempt to pass any such turnpike gate, without having first paid the legal toll with an intent to avoid the same, such person shall forfeit and pay a sum not exceeding *fifty dollars* nor less than *five dollars*, to be recovered by the Treasurer of the Corporation to their use, in an action of trespass: And if any person with his or her horse, team or cattle, shall turn out of such road to pass any turnpike gate, with intent to avoid paying the toll, and again enter on the said road, such person shall forfeit and pay treble the toll which could have been payable at such gate, to be recovered by the Treasurer of said Corporation, to their use, in an action of trespass on the case: *Provided however*, That nothing in this Act shall extend to entitle any turnpike Corporation hereafter established, to demand or receive toll from any person that shall be passing on foot, or with his horse or carriage to or from his usual place of public worship, or from any person passing on military duty, or from any person residing in the town where the gate may be placed, unless they are going or returning from beyond the limits of said town, or from any person going to or from any grist-mill, or on the common and ordinary business of family concerns.

Penalty for in-
juring gates or
roads, and for
illegally evad-
ing tolls.

Exemptions
from toll

SECT.

Penalty for delaying passengers, or taking illegal toll.

SECT. 6. *And be it further enacted,* That if any turnpike Corporation hereafter granted, their toll-gatherer, or others in their employ, shall unnecessarily delay or hinder any traveller or passenger, or shall demand or receive more toll than is by law established, the said Corporation shall forfeit and pay a sum not exceeding *ten dollars*, nor less than *two dollars*, to be recovered before any Justice of the Peace within the county where the offence is committed, by the person injured, delayed or defrauded, to his or her use, in a special action of the case: and all writs against any turnpike Corporation shall be served on the Treasurer of said Corporation, or on some individual member thereof, living in the county where the offence shall be committed, by leaving a true and an attested copy of the same with the said Treasurer or individual member at least fourteen days before the day of trial: And the said Treasurer or individual member shall be allowed to defend the same suit in behalf of said Corporation; and the said Corporation shall be liable to pay all damages which may happen to any person from whom toll is demandable, for any damages which shall arise from defect of bridges or want of repair of said turnpike road; and also liable to presentment by a Grand Jury for not keeping the same in good repair.

Case of intersecting a common highway.

SECT. 7. *And be it further enacted,* That where any turnpike road, hereafter established, shall intersect any former public highway, it shall be the duty of the Proprietors of such turnpike so to construct their road, that it shall be convenient and feasible for travellers to pass from such former public highway on to such turnpike.

Shares considered personal estate.

SECT. 8. *And be it further enacted,* That the shares in all turnpike Corporations shall be taken, deemed, and considered to be personal estate to all intents and purposes, and may be transferable, and the mode of transferring the said shares shall be by deed, acknowledged before any Justice of the Peace, and recorded by the Clerk of said Corporation in a book kept for that purpose.

An account of expenses, receipts and disbursements to be exhibited.

SECT. 9. *And be it further enacted,* That every turnpike Corporation hereafter established shall, within six months from the time of erecting their gates, lodge in the Secretary's office an account of the expenses thereof; and each Corporation shall annually, in the month of January, exhibit to the Governor and Council a true account of the income or dividends arising from said toll, with their necessary annual disbursements on the said road; and the books of all Corporations shall at all times be subject to the inspection of the Governor and Council, and to the Legislature when called for.

SECT. 10. *And be it further enacted,* That whenever any Proprietor of a share or shares, in any turnpike Corporation hereafter established, shall neglect or refuse to pay any tax or assessment,

assessment, duly voted and agreed on by such Corporation, to their Treasurer, within sixty days after the time set for the payment thereof, the Treasurer of said Corporation is hereby authorized to sell at public vendue the share or shares of such delinquent Proprietor, sufficient to defray the said tax or assessment and all necessary and incidental charges, after having given public notice in some newspaper printed in the county where the road lies, if any is printed therein, otherwise in some public paper printed in an adjoining county, with the sum due on each share, and the time and place of sale, three weeks successively at least, before the sale: And such sale shall be a legal transfer of the shares so sold to the purchaser, and on the purchaser producing a certificate of such sale from the Treasurer to the Clerk of said Corporation, with the name of such purchaser, together with the number of the share or shares so sold shall be by the Clerk entered on the books of the Corporation; and such person shall be considered, to all intents and purposes, the Proprietor thereof; and the overplus, if any there be, shall be paid by the Treasurer, on demand, to the person whose share or shares were so sold.

Shares of delinquents to be sold, and the mode prescribed.

SECT. 11. *And be it further enacted,* That the Legislature may dissolve any Corporation hereafter established, after the expiration of twenty years, or sooner, if it shall appear to their satisfaction that the income of said road shall have compensated such Corporation for all money they may have expended in purchasing lands for said road, and in making, repairing and taking care of the same, together with twelve *per centum* by the year, and thereupon the property of said road shall be vested in the Commonwealth, and be at the disposal of the Legislature: *Provided however,* That if any Corporation granted as aforesaid shall neglect to complete the road within five years from the date of the grant, the same shall be void.

Corporations may be dissolved in 20 years, or sooner if indemnified.

SECT. 12. *And be it further enacted,* That the first meeting of all turnpike Corporations hereafter established shall be held at such time and place, as shall be agreed on by a major part of the persons to whom the grant is made, for the purpose of choosing a Clerk, who shall be sworn to the faithful discharge of the duties of his office, and such other officers as may be agreed on by said Corporation, and may then, or at any subsequent meeting establish such rules and regulations, as shall be judged necessary for the well ordering of the affairs thereof: *Provided,* That no such rules and regulations shall, in any manner, be repugnant to the Constitution and laws of this Commonwealth; and that said first meeting shall be notified by publishing the same in some newspaper printed nearest to where the said road lies, at least two weeks before said meeting.

SECT.

Mode of proceeding when it is wished to remove a gate.

SECT. 13. *And be it further enacted,* That whenever the Directors of any turnpike Corporation heretofore established, or which may hereafter be established by law, shall wish to remove a gate or gates by such Corporation then duly erected on the turnpike road of such Corporation, it shall and may be lawful for such Directors, or a majority of them, to petition the Court of Common Pleas, to be holden within and for the county where such gate or gates may be erected, praying for the removal of such gate or gates, and stating the reasons therefor; and thereupon it shall and may be lawful for the said Court to nominate and appoint a Committee of three disinterested and sufficient freeholders, inhabitants of said county, whose duty it shall be, after being duly sworn to the faithful discharge of their trust, at the expense of the Corporation whose gate or gates are intended to be removed, to give notice to all persons interested, of their appointment, and the time and place of meeting, for the purpose of attending to the business of their commission, by advertising the same in such newspaper as the said Court may order, ten days at least before the time appointed for such meeting; and also at the said time appointed as aforesaid to repair to the gate or gates mentioned in such petition, and after hearing all parties interested, to determine whether the said gate or gates shall be removed as prayed for, and report their said determination as soon as may be to the same Court, who are authorized, if they should deem it expedient, to order said gates to be removed and located according to the report of such Committee.

Mode of proceeding when the road shall be out of repair.

SECT. 14. *And be it further enacted,* That whenever any turnpike road hereafter granted shall be suffered to be out of repair, the Justices of the Court of Common Pleas within and for the county where the same road may lie, or a major part of them, or a Committee to be appointed for that purpose by said Justices, are hereby authorized to order the gate or gates of such Corporation to be set open, said Justices or their Committee having previously notified the Clerk of such Corporation of complaint having been made of the badness of such road, at least ten days previous to ordering such gate or gates to be set open; and immediately upon leaving such order in writing under the hands of said Justices or their Committee, with the Clerk of such Corporation, the said gate or gates shall be opened, and no toll shall be legally demandable thereat, until the said Justices or their Committee shall grant a counter order.

When a road is discontinued the land is to revert in the original owners, &c.

SECT. 15. *And be it further enacted,* That whenever any turnpike road, in whole or in part, shall be discontinued, the land over which such discontinued turnpike was laid shall revert in the person or persons, their heirs and assigns, who were

were owners thereof at the time such land was taken or purchased for the purpose of making said turnpike, any conveyance of said land by deed to said Corporation notwithstanding.

[This Act passed March 16, 1805.]

An ACT to incorporate certain Persons as Trustees of an Academy, in the Town of *Lynn*, in the County of *Essex*.

WHEREAS *Amos Rhodes*, and others, have subscribed three thousand dollars, and have expended the same in erecting a building accommodated for the instruction of youth in the town of *Lynn*; and whereas it appears to this Court, that the said town of *Lynn* is a suitable place for such an institution;

Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That there be, and hereby is established in the town of *Lynn* afore said, an Academy by the name of *The Lynn Academy*, for the purpose of promoting piety, religion and morality, and for the education of youth in such languages and such of the liberal arts and sciences as the Trustees of said Academy shall direct, and that the following persons, viz. *Amos Rhodes, James Gardner, William Rose, Jeremiah Bulfinch, Samuel Brimblecome, Thomas Mansfield*, and their associates, be, and hereby are incorporated into a Body Politic, by the name of *The Trustees of the Lynn Academy*, and that they and their successors shall be and continue a Body Politic and Corporate by the same name forever.

Academy established and Trustees appointed.

SECT. 2. *And be it further enacted,* That all monies, lands, or other property and things, already given, or which shall hereafter be given, granted, devised, bequeathed, transferred or assigned to the said Trustees, for the purpose afore said, shall be confirmed to the said Trustees and their successors in that trust forever, and the said Trustees may have and hold, in fee simple, by gift, grant, devise, bequest or otherwise, any lands, tenements, hereditaments or other estate, real or personal; provided the annual income thereof shall not exceed the sum of four thousand dollars; and may sell and dispose of the same, and apply the rents and profits thereof in such manner, as that the end and design of the institution may be promoted.

Trustees allowed to hold estates, with a proviso.

SECT. 3. *Be it further enacted,* That the said Trustees shall have power, from time to time, to elect such officers of said Academy as they shall judge necessary, and to fix the tenure of their respective offices; to remove any Trustee from the Corporation when, in their opinion, he shall be incapable, by reason of age or otherwise, of discharging the duties of his

General powers of the Trustees.

his office ; to fill all vacancies in said Corporation by electing such persons as Trustees as they shall think suitable ; to determine the times and places of their meetings, the manner of notifying the Trustees, and the method of electing and removing them ; to prescribe the powers and duties of their several officers ; to elect Preceptors and Teachers of said Academy, and to determine their powers, duties and tenures of office ; and to make and ordain reasonable rules, orders and by-laws, not repugnant to the laws of this Commonwealth, with reasonable penalties, for the good government of said Academy.

Trustees to have a seal, to sign deeds, &c. SECT. 4. *Be it further enacted*, That the said Trustees may have one common seal, which they may at pleasure break, alter and renew ; and that all deeds signed and sealed with their seal, and acknowledged by the Treasurer or Secretary of said Corporation, by order of the said Trustees, shall be good and valid in law ; and the said Trustees may sue and be sued in all actions, real, personal and mixed, and prosecute and defend the same to final judgment and execution, by the name of *The Trustees of the Lynn Academy*.

Number of Trustees. SECT. 5. *Be it further enacted*, That the number of said Trustees shall not, at any one time, be more than eleven nor less than seven ; five of whom shall constitute a quorum to do business, and that a majority of said Trustees shall consist of inhabitants of the town of *Lynn*.

First meeting. SECT. 6. *Be it further enacted*, That *James Gardner, Esq.* be, and hereby is authorized to fix the time and place for holding the first meeting of said Trustees, and to notify them thereof accordingly.

[This Act passed March 16, 1805.]

An ACT to incorporate certain Persons for the Purpose of building a Bridge over *Aggawaum River*, in the Town of *West-Springfield*.

Names of persons incorporated. SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *George Blake, Pitt Bliss, Jonathan Dwight, jun. James S. Dwight, Joshua Frost, Charles Leonard, Daniel Lombard, Edward Pynchon, William Smith, Gad Warriner, Solomon Warriner, Eleazer Williams, Jonathan Worthington, and Amos Worthington*, together with such others as may hereafter associate with them and their successors, be, and they are hereby constituted and made a Corporation and Body Politic, by the name of *The Proprietors of Aggawaum Bridge*, and by that name may sue and be sued to final judgment and execution, and may do and suffer all matters, acts and things which

which Bodies Politic may and ought to do and suffer, and the said Proprietors shall be, and they hereby are authorized, to erect a Bridge over the said *Aggawaum River*, at any place within forty rods of the mouth of said river, and said Bridge shall be well built, of good and durable materials, at least twenty feet wide, well planked and safely railed, and always kept in good repair: And the said Proprietors shall be liable to pay all the damages, which may happen to any person from whom the toll is demandable, for any damage which shall arise from any defect or want of repair in said Bridge, by an action on the case in any Court proper to try the same.

Place of the
bridge, dimen-
sions, &c.

SECT. 2. *And be it further enacted*, That for reimbursing to the said Proprietors their expenses in building said Bridge, a toll be, and hereby is granted and established for the sole benefit of the said Proprietors, according to the following rates, viz. For each foot passenger, *one cent*; for each horse and rider, *three cents*; for each horse and chaise, chair, fulkey or other two-wheel carriage, *six cents*; for each coach, chariot, phaeton or other four-wheel carriage, drawn by two horses, *twelve and a half cents*, and if drawn by more than two horses, *one cent* for each additional horse; for each cart or waggon, drawn by two horses or oxen, *eight cents*, and if drawn by more than two beasts, *one cent* for each additional beast; for each sled or sleigh, drawn by one horse, *four cents*, and if by two beasts, *six cents*, and *one cent* for each additional beast; for each horse without a rider, and all neat cattle, *two cents* for each beast; and for all sheep kind and swine, *six cents* per dozen; and one person and no more shall be allowed to each team, as a driver to pass free of toll: And the toll shall commence on the day of opening said Bridge, and shall continue for seventy years: And at the place where the toll shall be received, there shall be constantly exposed to view a board, with the rates of toll fairly and legibly written or printed thereon, in large or capital letters; and after the term of thirty years the Legislature shall have a right to regulate the rates of toll to be received at said Bridge: *Provided however*, That if the said Proprietors shall neglect, for the space of six years from the passing of this Act, to erect the said Bridge, then this Act shall be void.

Toll establish-
ed.

SECT. 3. *And be it further enacted*, That any three of the persons beforenamed may call a meeting of the Corporation, at such convenient time and place as shall be appointed in their advertisement, by publishing the same in the *Federal Spy*, published in *Springfield*, one week prior to the day of the meeting: And the Proprietors may choose a Clerk, who shall be sworn to the faithful discharge of his trust; and they may also agree on a mode of calling future meetings, and at the same or subsequent meetings may appoint such officers, and make such

First meeting
how to be call-
ed.

by-laws

by-laws and regulations as they shall judge necessary and convenient; and all the votes and doings of the said Corporation shall be by the Clerk fairly recorded in a book to be kept for that purpose.

[This Act passed *March 16, 1805.*]

An ACT to establish a Corporation, by the Name of
the *Brush Hill Turnpike Corporation.*

General powers.

Course of the road.

Two gates allowed.

Corporation may hold lands.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Iaac Davenport, Joseph Billings, and Jeremiah Smith Boies*, together with such persons as may hereafter associate with them, and their successors and assigns, shall be a Corporation by the name of *The Brush Hill Turnpike Corporation*; and by that name may sue and prosecute, and be sued and prosecuted unto final judgment and execution, and have and use a common seal, and exercise and enjoy all other privileges and powers, which are incident and usually given to similar Corporations, for the purpose of laying out, making and keeping in good repair, a turnpike road, between *Davenport's Corner*, so called, near the west end of *Blue Hill*, in *Milton*, in the county of *Norfolk*, and near the four mile stone in *Roxbury*, near the dwelling-house of *Ebenezer Seaver, Esq.* as follows: Beginning at said *Davenport's Corner*, by the most favourable route, to the *Upper Bridge*, so called, near *Boies's Mills*, from thence, by the most favourable route, at or near the said four mile stone; and the said road shall not be less than sixty-six feet wide, and the path to be travelled on not less than twenty-four feet wide in any part thereof: And when the said turnpike road shall be well and sufficiently made, and shall be so approved by a Committee to be appointed by the Court of Common Pleas, within and for the county of *Norfolk*, then the said Corporation shall be authorized to erect two turnpike gates on the said road, one at or near the lane, near the house of *Benjamin Vose*, in *Milton*, and one at or near the lane, near the dwelling-house of *John White*, in *Dorchester*, in such manner and places as shall be appointed by a Committee of the Court of Common Pleas, within and for the said county of *Norfolk*: *Provided*, That the said turnpike gates shall not be erected on any road at present travelled.

SECT. 2. *Be it further enacted*, That the said Corporation may purchase and hold land over which they may make said road; and the Justices of the Court of General Sessions of the Peace within and for the said county, are hereby authorized, on the application of the said Corporation, to lay out the said road, or any part thereof, as they, with the consent of the said Corporation,

puration, shall think proper, by a Committee from said Court ; and the said Corporation shall be liable to pay all damages which may arise to any person by taking his land for such road, (where the same cannot be obtained by voluntary agreement,) to be estimated by said Committee, saving to either party the right of trial according to the law which makes provision for the recovery of damages arising from laying out highways ; and if said Jury shall increase the damage estimated by such Committee, the said Corporation shall be holden to pay the cost of such Jury trial.

SECT. 3. *Be it further enacted*, That it shall be lawful for said Corporation to demand and receive at each gate, of each traveller or passenger, the following rates of toll, viz. For every coach, chariot, phaeton, or other four-wheel carriage, drawn by two horses, *twelve cents and five mills* ; and if drawn by more than two horses, an additional sum of *one cent* for each horse ; Toll established. for every cart or waggon, drawn by two oxen or horses, *five cents* ; and if drawn by more than two oxen or horses, the additional sum of *one cent* for each ox or horse ; for every curricule, chaise, chair, or other carriage, drawn by one horse, *six cents two and one half mills* ; for every man and horse, *two cents* ; for every sled or sleigh, drawn by two oxen or horses, *three cents* ; and if drawn by more than two oxen or horses, an additional sum of *one cent* for each additional ox or horse ; for every sled or sleigh, drawn by one horse, *three cents* ; for every horse-cart or waggon, drawn by one horse, *three cents* each ; for all horses, mules, oxen or neat cattle, led or driven, beside those in teams, *five mills* each ; for all sheep or swine, at the rate of *two cents* for each dozen : *Provided*, That said Corporation may, if they see fit, commute the rate of toll with any person, or with the inhabitants of any town, by taking of him or them a certain sum annually, to be mutually agreed upon, in lieu of the toll aforesaid.

SECT. 4. *Be it further enacted*, That if any person shall cut, break down or injure, or otherwise destroy the said turnpike gates, or shall dig up or carry away any earth from the said road, or in any other manner damage the same, or shall forcibly pass, or attempt to pass the said gate by force, with intent to avoid the payment of the legal toll at such gate or gates, such person shall forfeit and pay a fine not exceeding *ten dollars* nor less than *five dollars*, to be recovered by the Treasurer of the said Corporation, to their use, in an action of trespass : And if any person, with his team, cattle or horse, shall turn out of said road to pass the said turnpike gate, and again enter on said road, with an intent to evade the toll due by virtue of this Act, such person shall forfeit and pay *two dollars*, to be recovered by the Treasurer of said Corporation, to the use of the same, in an action of debt : *Provided however*, That nothing

Penalty for injuring gates or road, and for attempting illegally to evade the toll.

in

Exemptions
from toll.

in this Act shall extend to entitle the said Corporation to demand or receive toll of any person who shall be passing on foot, or with his horse or carriage, to or from public worship, or of any person for himself or his servants, horses, cattle, sheep, teams, cart, sled or sleigh, passing to or from his farm or land, or of any person passing to or from mill, or on the common and ordinary business of family concerns, or on military duty : *Provided also*, That not more than half the toll beforementioned shall be paid for any cart or waggon, the fellies of the wheels of which shall be not less than six inches broad, and that the General Court may hereafter regulate the toll on carts and waggons, according to the width of the fellies of the wheels on which they shall run, and the burthens they shall carry.

Provision for
broad wheels.

Penalty for de-
laying travel-
lers, or exact-
ing illegal toll.

SECT. 5. *Be it further enacted*, That if the said Corporation, or their toll-gatherers, or others in their employ, shall unreasonably delay or hinder any traveller or passenger, or shall demand or receive more toll than is by this Act established, the said Corporation shall forfeit and pay a sum not exceeding *ten dollars* nor less than *five dollars*, to be recovered before any Justice of the Peace for the county of *Norfolk* by any person injured, delayed or defrauded, in a special action on the case; the writ in which case shall be served on the said Corporation, by leaving a copy of the same with the Treasurer, or with some individual member being within the county of *Norfolk*, or by reading the same to the said Treasurer or individual member, at least seven days before the day of trial; and the said Treasurer or individual member shall be allowed to defend the same suit in behalf of the said Corporation: And the said Corporation shall be liable to pay all damages which may happen to any person from whom toll is demandable, for any injury which may be occasioned by defect of bridges or want of repairs in said way; and shall also be liable to presentment by the Grand Jury for not keeping the same in good repair.

Shares consid-
ered personal
estate, and to
be transferable.

SECT. 6. *Be it further enacted*, That the shares in the same turnpike road shall be taken and deemed and considered to be personal estate, to all intents and purposes, and shall and may be transferable; and the mode of transferring the said shares shall be by deed, acknowledged before any Justice of the Peace, and recorded in a book to be kept for that purpose, by the Clerk of said Corporation; and such shares shall be liable to attachment and execution.

Shares of delin-
quents to be
sold, and mode
prescribed.

SECT. 7. *Be it further enacted*, That when any Proprietor shall neglect or refuse to pay any tax or assessment, duly voted and agreed upon by the Corporation, to their Treasurer, within sixty days after the time set for the payment thereof, the Treasurer of said Corporation is hereby authorized to sell at public vendue the share or shares of such delinquent Proprietor, one

one or more, as shall be sufficient to defray said taxes and necessary incidental charges, after duly notifying the same in some newspaper printed in *Boston*, in the county of *Suffolk*, the sum due on any such share or shares, and the time and place of sale, at least twenty days previous to the day of sale; and such sale shall be a sufficient transfer of the share or shares so sold, to the person purchasing; and on producing a certificate of such sale, from the Treasurer to the Clerk of the said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the books of the said Corporation, and such person shall be considered to all intents and purposes the Proprietor thereof; and the overplus, if any there be, shall be paid on demand, by the Treasurer, to the person whose share or shares shall have been thus sold.

SECT. 8. *Be it further enacted*, That *Isaac Davenport, Joseph Billings*, and *Jeremiah Smith Boies*, or any two of them, may appoint and notify a meeting of said Corporation for the purpose of choosing a Clerk, (who shall be under oath,) and such other officers as may be determined upon by said Corporation, for regulating the concerns thereof; and the said Corporation may then and there agree upon such method of calling future meetings as they may judge proper.

First meeting.

SECT. 9. *Be it further enacted*, That the said Corporation shall, within six months after the said road is completed, lodge in the Secretary's office an account of the expenses thereof; and the said Corporation shall annually exhibit to the Governor and Council a true account of the income or dividend arising from said toll, with their necessary annual disbursements on said road; and that the books of said Corporation shall be at all times subject to the inspection of a Committee of the General Court, and to the inspection of the Governor and Council when called for.

Accounts of expenses, receipts & disbursements to be exhibited.

SECT. 10. *Be it further enacted*, That the General Court may dissolve the said Corporation, whenever it shall appear to their satisfaction, that the income arising from the toll shall have fully compensated the said Corporation for all monies they may have expended in purchasing, repairing and taking care of said road, together with an interest thereon at the rate of *twelve per cent.* by the year; and thereupon the property of the said road shall be vested in this Commonwealth, and at their disposal: *Provided however*, That if the said Corporation shall neglect to complete the said turnpike road for the space of two years from the passing of this Act, the same shall be void and of none effect.

Corporation may be dissolved when indemnified.

SECT. 11. *Be it further enacted*, That the said Corporation shall, at all the places where the said toll is collected, Sign-board to erect be erected.

erect and keep constantly exposed to view, a sign-board, with the rates of toll of all the tollable articles fairly and legibly written or printed thereon in large or capital characters.

[This Act passed March 16, 1805.]

An ACT establishing an Academy in the Town of Bath, in the County of Lincoln, by the Name of Bath Academy.

Preamble.

WHEREAS the encouragement of literature in the rising generation has ever been considered by the wise and good, as the basis upon which the safety and happiness of a free people ultimately depend; and whereas *Dummer Sewall*, Esq. and others, have petitioned this court for the establishment of an Academy in Bath, in the county of Lincoln, for that purpose:

Academy established.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That there be, and hereby is established in the town of Bath, in the county of Lincoln, an Academy, by the name of *Bath Academy*, for the purpose of promoting piety and virtue; and for the education of youth in such languages, and in such liberal arts and sciences, as the Trustees hereinafter provided, shall order and direct.

Trustees.

SECT. 2. *And be it further enacted,* That *Dummer Sewall*, Esq. Rev. *Josiah Winslip*, *Peleg Tallman*, Esq. *Nathaniel Coffin*, Esq. *Joshua Shaw*, Esq. Mr. *John Richardson*, *William Webb*, Esq. *John Peterson*, Esq. Hon. *Mark L. Hill*, Esq. *Dudley B. Hbart*, Esq. *William King*, Esq. *Benjamin J. Porter*, Esq. Mr. *Samuel Davis*, Mr. *Isaiah Crooker*, and Doctor *Samuel Adams*, be, and they are hereby nominated and appointed Trustees of said Academy; and they are hereby incorporated into a Body Politic, by the name of *The Trustees of Bath Academy*; and they and their successors shall be and continue a Body Politic and corporate by the same name forever.

Corporation to have a seal, sue and be sued, &c.

SECT. 3. *And be it further enacted,* That the said Trustees and their successors shall have one common seal, which they may break, change and renew from time to time, as they shall see fit, and they may sue and be sued in all actions, real, personal and mixed, and prosecute and defend the same to final judgment and execution, by the name of *The Trustees of Bath Academy*, and may appoint an agent or agents to prosecute or defend such suit or suits.

SECT. 4. *And be it further enacted,* That the said *Dummer Sewall*, and others, the Trustees aforesaid, and their successors, be, and they are hereby made the Visitors, Trustees and Governors of the said Academy in perpetual succession forever, to be continued in the way and manner hereinafter specified, with

with full power and authority to elect such officers of the said Trustees to appoint officers, Academy as they shall judge necessary and convenient, and to make and ordain such laws, orders and rules, not repugnant to the laws of this Commonwealth, for the good government of said Academy, as to them shall seem fit and requisite.

SECT. 5. *And be it further enacted,* That the number of the Trustees aforesaid shall not, any time, be more than fifteen nor less than nine, five of whom, at least, shall be necessary to constitute a quorum for transacting business. Number of Trustees.

SECT. 6. *And be it further enacted,* That whenever one or more of the Trustees aforesaid shall die or resign, or in the judgment of the major part of the Trustees shall be rendered incapable, by age or otherwise, of discharging the duties of his office, the Trustees then surviving may elect one or more persons to fill the vacancy or vacancies. Vacancies to be filled.

SECT. 7. *And be it further enacted,* That the Trustees aforesaid and their successors, be, and they are hereby rendered capable in law to take and hold, by gift or grant, devise, bequest or otherwise, any lands, tenements or other estate, real or personal, which have heretofore been given or subscribed, or which may hereafter be given or subscribed for the purpose aforesaid: *Provided,* The annual income of the said real estate shall not exceed the sum of two thousand dollars, and the annual income of said personal estate shall not exceed the sum of five thousand dollars; and all deeds and instruments, which the said Trustees may lawfully make, shall be sealed with their seal, and bind the Trustees and their successors, and be valid in law. Trustees to hold estates, with a proviso.

SECT. 8. *And be it further enacted,* That there be, and hereby is granted to the said Trustees and to their successors forever, for the use of said Academy, one half township of six miles square of the unappropriated lands belonging to this Commonwealth in the district of Maine, (excepting the ten townships on *Penobscot River* lately purchased by the Commonwealth of the Indians, and excepting likewise the land lately contracted to be sold to *Jackson* and *Flint*, and which contract is now rescinded,) to be laid out and assigned by the Commissioners for the sale of eastern lands, under the restrictions and reservations made in similar cases, on condition that the Treasurer of said Trustees shall, within three years from the passing of this Act, certify to said Commissioners that the sum of three thousand dollars has been actually raised and secured for the endowment of said Academy, and appropriated to the use thereof. Half township of land granted.

SECT. 9. *And be it further enacted,* That *Peleg Tallman* be, and he hereby is authorized and empowered to appoint the time and place for holding the first meeting of said Trustees and notify them thereof. First meeting.

[This Act passed March 16, 1805.]

An ACT to alter the Names of certain Persons therein mentioned.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this Act, Oliver Ware, jun. of Wrentham, in the county of Norfolk, shall be allowed to take the name of Arom Allchorous; that Samuel Hunt, jun. of Boston, in the county of Suffolk, shall be allowed to take the name of John Dixwell; that David Curtiss, jun. of Granville, in the county of Hampshire, shall be allowed to take the name of David Bishop Curtiss; that Charles Thayer, son of Zephion Thayer, upholsterer, of Boston, in the county of Suffolk, shall be allowed to take the name of Charles Lambert Thayer; that Joseph How, of said Boston, shall be allowed to take the name of Joseph Neals How; that William Goodridge, of said Boston, shall be allowed to take the name of William Marcellus Goodrich; that Ebenezer Beckford, son of Ebenezer Beckford, of Salem, in the county of Essex, shall be allowed to take the name of Ebenezer Hunt Beckford; that Samuel Derby of said Salem, merchant, shall be allowed to take the name of Samuel Gardner Derby; that Jeremiah Fogg, of Boston aforesaid, son of Daniel Fogg, of Braintree, in the county of Norfolk, shall be allowed to take the name of Jeremiah Parsons Fogg; that Jonathan Weston, of Eastport, in the county of Washington, and son of Jonathan Weston, of Reading, in the county of Middlesex, shall be allowed to take the name of Jonathan De Lesdernier Weston; that William Brooks, of Medford, in the county of Middlesex, shall be allowed to take the name of William Smith Brooks; And said persons shall in future be respectively known and called by the names, which they are respectively allowed to take as aforesaid, and the same shall be considered as their only proper names to all intents and purposes.

[This Act passed March 16, 1805.]

An ACT to establish a Corporation by the Name of *The Williamsburgh and Windsor Turnpike Corporation.*

SECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Calvin Hull, Benjamin Brown, Asahel Potter, Rufus Wiscol, Noah Greene, Nathaniel Luther, Edmund Lazell, William Otis, John Williams, Nehemiah May, Asa White, and Eliza Hubbard, together with such others as may associate with them and their successors, be, and they hereby are instituted a Corporation, by the name of The Williamsburgh and*
Windsor

Windsor Turnpike Corporation; and shall by that name sue and be sued, and enjoy all the privileges and powers which are by law incident to Corporations, for making turnpike roads, for the purpose of laying out and making a turnpike road from the east line of the town of *Williamsburgh*, in the county of *Hampshire*, near the dwelling-house of *Amasa Cleveland*; thence on the road now travelled towards *Williamsburgh* meeting-house, to an orchard owned by *Joshua Warner*; thence in the direction through or near said orchard and pastures, to the house of *Daniel Trisdale*; thence on the present travelled road by *Williamsburgh* meeting-house to *Josiah* or *Dorus Dwight's*; thence through the westerly part of said *Dwight's* orchard to strike the river in the most convenient place; thence near the river, between the houses of *Cary* and *John Steward*, to the road now travelled west of the dwelling-house of Captain *Coffin*, in said *Williamsburgh*; thence on the present travelled road, by *Gosben* meeting-house, to *John Williams's*; thence westerly, in the most eligible route, to the pond or river-road, through *Gosben* and *Cumington*, to *Windsor* east line; thence through *Windsor*, by Col. *Amos Holbrook's* to *Rufus Wescot's* dwelling-house; thence in the most direct and best course, to *Cheshire* east line; and for making and keeping the same in repair; which road shall not be less than four rods wide, and the path to be travelled in not less than twenty feet wide in any place: And that when the said turnpike road shall be sufficiently made, and approved of by a Committee appointed by the Courts of General Sessions of the Peace for the county of *Hampshire* and *Berkshire*, for that purpose, such Committee not having any share or interest in said turnpike; then the said Turnpike Corporation shall be authorized to erect two turnpike gates on the said road at such places as the Committee of said Courts of Sessions shall judge necessary and convenient for collecting the toll; provided that said turnpike gates shall not be erected on any road at present travelled: And said Corporation shall be entitled to receive of each traveller and passenger, at each of the said gates, the following rates of toll, viz. For each coach, phaeton, chariot, or other four-wheel carriage, drawn by two horses, *twenty-five cents*; and if drawn by more than two horses, an additional sum of *four cents* for each horse; for every cart or waggon, drawn by two horses or oxen, *twelve and an half cents*; and if drawn by more than two oxen or horses, an additional sum of *three cents* for each ox or horse; for every curicle, *sixteen cents*; for every chaise, chair, or other carriage drawn by one horse, *twelve cents and an half*; for every man and horse, *five cents*; for every sled or sleigh, drawn by two oxen or horses, *nine cents*; and if drawn by more than two oxen or horses, an additional sum of *three cents* for each ox or horse; for every sled or sleigh, drawn by one horse, *eight cents*; for all oxen,

General powers.

Course of the road.

Two gates allowed.

Toll established.

oxen, horses, mules, or neat cattle, led or driven, besides those in teams and carriages, *one cent* each; for all sheep or swine, at the rate of *three cents* for one dozen: *Provided*, That the said Corporation may, if they see cause, commute the rate of toll with any person or persons, by taking of him or them a certain sum annually, to be mutually agreed on in lieu of the toll aforesaid.

SECT. 2. And be it further enacted, That the said Corporation may purchase and hold land, over which they may make said road; and the Justices of the Courts of General Sessions of the Peace in the counties of *Hampshire* and *Berkshire*, are hereby authorized, on application of said Corporation, to lay out said road, or any part thereof, within the said counties of *Hampshire* and *Berkshire*, or with the consent of said Corporation, they shall think proper: And the said Corporation shall be liable to pay all damages that shall arise to any person by taking his land for such road, when the same cannot be obtained by voluntary agreement, to be estimated by Committees appointed by the Courts of General Sessions of the Peace of the said counties of *Hampshire* and *Berkshire*, saving to either party the right of trial by Jury, according to the law which makes provision for the recovery of damages arising from the laying out of highways.

SECT. 3. And be it further enacted, That if said Corporation, or their toll-gatherer, or others in their employ, shall unreasonably delay or hinder any traveller or passenger, at either of the said gates, or shall demand or receive more toll than is by this Act established, the Corporation shall forfeit and pay a sum not exceeding *ten dollars*, nor less than *two dollars*, to be recovered before any Justice of the Peace of the county where the offence shall be committed, by any person injured, delayed or defrauded, in a special action of the case; the writ in which case shall be served on said Corporation, by leaving a copy of the same with the Treasurer, or with some individual member of said Corporation, living in the county where the action may be brought, or by reading the same to the said Treasurer or individual member, at least seven days before the trial; and the Treasurer of said Corporation or individual member shall be allowed to defend the same suit in behalf of the said Corporation: And the said Corporation shall be liable to pay all damages that shall happen to any person from whom toll is demandable, for any damage which shall arise from defect of bridges or want of repairs in said way; and shall also be liable to presentment by the Grand Jury for not keeping the same in good repair.

SECT. 4. And be it further enacted, That if any person shall cut, break down, or otherwise injure or destroy either of the said turnpike gates, or shall dig up or carry away any earth from said road,

Penalty for delaying travellers or exacting illegal toll.

road, or in any manner damage the same, or shall forcibly pass, or attempt to pass the said gates by force, without having first paid the legal toll at such gate, such person shall forfeit and pay a fine not exceeding fifty dollars nor less than two dollars, to be recovered by the Treasurer of said Corporation to their use, in an action of trespass: And if any person, with his team, cattle or horse, turn out of said road, to pass either of the turnpike gates, and again enter on the said road, with an intent to evade payment of the toll due by virtue of this Act, such person shall forfeit and pay three times so much as the legal toll would have been, to be recovered by the Treasurer of said Corporation, to the use of the same, in an action of the case: *Provided*, That nothing in this Act shall extend to entitle the said Corporation to demand and receive toll of any person who shall be passing with his horse or carriage to or from public worship, or with his horse, team, or cattle, to or from his common labour on his farm, or to or from any grist-mill, or on the common and ordinary business of family concerns, or from any person or persons passing on military duty.

Penalty for injuring gates or road, and for attempting illegally to evade the toll.

Exemptions from toll.

SECT. 5. *And be it further enacted*, That the shares in the said turnpike road shall be taken, deemed and considered to be personal estate to all intents and purposes, and shall and may be transferable; and the mode of transferring said shares shall be by deed, acknowledged before any Justice of the Peace, and recorded by the Clerk of said Corporation, in a book for that purpose to be provided and kept.

Shares considered personal estate, and to be transferable.

SECT. 6. *And be it further enacted*, That the first meeting of the said Corporation shall be held at the house of Col. Amos Holbrook, innholder in Windsor, on the nineteenth day of June next, at ten of the clock in the forenoon, for the purpose of choosing a Clerk, who shall be sworn to the faithful discharge of the duties of his said office, and such other officers as may then and there be agreed upon by the said Corporation; and said Corporation may then establish such rules and regulations as shall be judged necessary for the better management of its affairs; *provided* such regulations shall not be repugnant to the laws of this Commonwealth; and the said Corporation may at the same time agree upon a method of calling future meetings.

First meeting.

SECT. 7. *And be it further enacted*, That the said Corporation shall, within six months after the said road is completed, lodge in the Secretary's office an account of the expenses thereof; and shall annually exhibit to the Governor and Council a true account of the income or dividend arising from the said toll, with their necessary and annual disbursements on said road; and that the books of the Corporation shall at all times be subject to inspection of a Committee to be appointed by the General Court, or to the inspection of the Governor and Council, when called for.

Accounts of expenses, receipts and disbursements to be exhibited.

SECT.

Shares of delinquents to be sold, and mode prescribed.

SECT. 8. *And be it further enacted*, That whenever any Proprietor shall neglect or refuse to pay any tax or assessment duly voted and agreed upon by the Corporation, to their Treasurer, within sixty days from the time set for the payment thereof, the Treasurer of said Corporation is hereby authorized to sell at public vendue the share or shares of such delinquent Proprietor, one or more, as shall be sufficient to defray said taxes and necessary incidental charges, after duly notifying in a newspaper printed in *Northampton*, or in case there shall be no such paper printed there at the time, then in some other newspaper printed in the county of *Hampshire*, the sum due on any such shares, and the time and place of sale, at least thirty days previous to the time of sale; and such sale shall be a sufficient transfer of the share or shares so sold to the persons purchasing the same; and on producing a certificate of such sale, from the Treasurer to the Clerk of said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the books of the said Corporation; and such person shall be considered to all intents and purposes the Proprietor thereof; and the overplus, if any there be, shall be paid on demand to the person whose shares were then sold.

Sign-board to be erected.

SECT. 9. *And be it further enacted*, That the said Corporation shall, at all places where the said toll shall be collected, erect, and keep constantly exposed to view, a sign or board, with the rates of toll of all the tollable articles fairly and legibly written thereon, in large or capital characters.

Corporation may be dissolved when indemnified.

SECT. 10. *And be it further enacted*, That the General Court may dissolve said Corporation, whenever it shall appear to their satisfaction that the income arising from the said toll shall have fully compensated the said Corporation for all monies they may have expended in purchasing, repairing and taking care of said road, together with an interest thereon at the rate of *twelve per centum* by the year; and thereupon the property of the said road shall be vested in this Commonwealth, and be at their disposal: *Provided*, That if the said Corporation shall neglect to complete the said turnpike road, for the space of five years from the passing of this Act, the same shall be void and of no effect.

[This Act passed March 16, 1805.]

An

An ACT in addition to an Act, entitled, "An Act to regulate the catching Salmon, Shad and Alewives, and to prevent Obstructions in *Merrimack River*, and in the other Rivers and Streams running into the same, within this Commonwealth, and for repealing several Acts heretofore made for that Purpose."

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That so long as there shall be a forge or mill on the *Nashua River*, between *Groton* and *Pepperell*, where *Ephraim Lawrence's* forge and mill are now situated on said river, or there shall be erected or kept any dam, across said river for the working said forge or mill, it shall be the duty of the owner or occupant of such forge or mill to cause to be made a sluice or passage-way for fish to pass up and down through such dam, where the same has been marked out and directed by the Hon. *Jonathan Maynard*, Esq. the Hon. *Leammi Baldwin*, Esq. and *Williams Adams*, Esq. a Committee of the Legislature, appointed by an order of both Houses, passed on the nineteenth day of *June* last past for that purpose, conformable to a plan of said sluice or passage-way made by said Committee, and annexed to their report made to the Legislature, during their present session, which said sluice or passage-way shall be kept in good repair by such owner or occupant, and shall be not less than fifteen inches wide in the narrowest parts thereof, and shall be kept open from the fifteenth day of *April* to the fifteenth day of *June*, inclusive, in each year.

Sluice or passage way for fish to be made.

SECT. 2. *Be it further enacted,* That so long as the owner or occupant of such forge or mill shall cause to be made and kept open as aforesaid, a sluice or passage-way through said dam, of the dimensions aforesaid, and of the form and construction prescribed by said Committee, for the free passage of fish up and down the said river, such owner or occupant shall not be subject to any prosecution, under or by force of the Act for regulating the catching salmon, shad and alewives, and for preventing obstructions in *Merrimack River*, and in the other rivers and streams running into the same, nor to any of the forfeitures therein contained; any law, usage or custom to the contrary notwithstanding.

The owner of certain forge, &c. not to be liable to prosecution in certain cases.

SECT. 3. *Be it further enacted,* That this Act shall continue and be in force for and during the term of five years from the passing thereof, and no longer.

Act limited.

[This Act passed *March 16, 1805.*]

An

An ACT enabling the Minister of the First Church in *Cambridge*, to exchange or sell a certain Piece of Land granted to the Ministers of that Church in Succession.

Preamble.

WHEREAS *Andrew Belcher*, by his deed bearing date the twentieth day of *April, Anno Domini* one thousand seven hundred and eleven, "did freely, fully and absolutely give, grant, surrender, release, assign, transfer, and forever quitclaim to *William Brattle*, Clerk, then pastor of the Church and Congregation in the body of the town of *Cambridge*, and his successors in the ministry to the said Church and Congregation forever," a piece of salt marsh in said *Cambridge*, therein described, and containing about three acres, "to have and to hold the same to the said *William Brattle*, and his successors in the ministry, to the Church and Congregation aforesaid, to his and their only proper use forever; he and they successively to have, receive, take and enjoy the rents, issues and profits of the same from time to time, and at all times forever thereafter:" And whereas *Abiel Holmes*, the present minister of the said Church and Congregation, is desirous to exchange the said granted premises for other lands to be holden in succession as aforesaid, or otherwise to sell the same, and to vest the proceeds thereof in other real estate to be holden as aforesaid, and the inhabitants of said parish or precinct have, by their vote at a meeting for that purpose had on the fifth day of *March* current, signified their consent thereto:

A. Holmes authorized to make a deed.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said *Abiel Holmes* be, and he is hereby authorized and empowered, by and with the consent of the Committee appointed by the vote aforesaid for that purpose, to make and duly execute a deed of exchange, with any person or persons, of the said piece of salt marsh, for such other real estate as shall be by him and the said Committee, or such Committee for the time being, agreed to be taken in exchange therefor; and the said *Abiel Holmes*, in his said capacity, is hereby authorized to receive, take and hold to him and his successors forever, any real estate which shall be so conveyed to him in exchange as aforesaid, or to sell as aforesaid the said piece of salt marsh, and to vest the proceeds thereof in other real estate, to be holden in like manner in all respects as the said salt marsh is now holden, and the rents, issues and profits thereof shall accrue and enure to the sole use and benefit of him the said *Abiel Holmes*, during his continuance in the ministry aforesaid, and to his successors in said office forever, and to no other use whatever.

SECT.

SECT. 2. *And be it further enacted*, That if the said piece of salt marsh should not be exchanged for other real estate, as is afore provided, but be sold, that then, and in such case the proceeds of sale shall be placed in some public fund or bank stock, or put out at interest, as shall or may be agreed upon by the said minister of said parish and the said Committee, or the minister and the Committee of the said parish for the time being, or such other person or persons as the said inhabitants of said parish shall think fit to appoint from time to time to manage the same with the consent of the minister thereof, until such proceeds shall be vested in other real estate; and the income, interest or profits of such proceeds, until the same may or shall be vested in real estate as aforesaid, shall accrue and enure to the sole use and benefit of the said *Abiel Holmes*, during his continuance in his said ministry, and to his successors, and to no other use whatever: *Provided always*, That the same, during the vacancy of said office, whenever it shall happen, shall be added to the capital sum, and be taken and considered to every intent as part thereof; and the income, interest or profits of such additional sums, shall enure and accrue to the use of the Minister of said parish for the time being.

If certain marsh is sold the proceeds are to be put at interest.

Proviso.

[This Act passed March 16, 1805.]

An ACT to incorporate *Benjamin Hall*, Esquire, and others, by the Name of *The Proprietors of the Medford Branch Canal and Locks*, between the *Middlesex Canal* and *Mythic River*, and easterly of the Post Road leading from *Charlestown* to *Medford*."

WHEREAS *Benjamin Hall*, and others, have obtained permission from the Proprietors of the *Middlesex Canal*, to open a communication between said Canal and *Mythic River* by a Branch and Locks, to be constructed easterly of the post road leading from *Charlestown* to *Medford*, and have petitioned to be incorporated for that purpose:

Preamble.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Benjamin Hall*, Esq. *Richard Hall*, and *Ebenezer Hall*, their associates and successors, are hereby incorporated, and shall be a Corporation forever, under the name of *The Proprietors of the Medford Branch Canal and Locks, between the Middlesex Canal and Mythic River, and easterly of the Post-Road leading from Charlestown to Medford*, and by that name may sue and be sued, and shall be, and hereby are vested with all the powers and privileges incident to Corporations of a similar nature.

General powers.

SECT.

Proprietors' meeting.

SECT. 2. *And be it further enacted*, That the Proprietors of said Medford Branch Canal and Locks, or any two of them, be empowered to notify a meeting of the said Proprietors at such time and place as they may think proper, by advertising the same in two of the *Boston* newspapers, fifteen days before the time of holding such meeting; to regulate the manner of calling future meetings of the Proprietors, and to do and transact such matters and things as shall be expressed in the notification for said meeting; that the said Proprietors may at the same time choose a Clerk, Treasurer and such other officers as they shall deem necessary, and also may choose a Committee for ordering and regulating the business and affairs of the said Corporation.

Property divided into 30 shares.

SECT. 3. *Be it further enacted*, That the proprietary interest shall be divided into thirty shares, and that each share therein shall entitle the Proprietors thereof to one vote: *Provided however*, That no one Proprietor shall have a right to more than five votes at any meeting of the Proprietors, and that all matters shall be determined by the major votes of the Proprietors present at any meeting duly called, and of proxies specially appointed.

Shares transferable.

SECT. 4. *Be it further enacted*, That the said Medford Branch Canal and Locks shall be so far considered personal estate, that the shares thereof may be transferred in such manner as the said Corporation shall establish; and that this Act, and all rules, regulations and votes of the said Corporation shall be fairly and truly recorded by the Clerk thereof in a book or books to be provided and kept for that purpose.

Toll established.

SECT. 5. *Be it further enacted*, That for the purpose of reimbursing the said Proprietors the monies by them to be expended in forming, building and supporting the Branch and Locks aforesaid, a toll be, and is hereby granted and established for the benefit of the Proprietors, according to the rates following. For every ton weight that shall be transported in boats or other vessels, through the said Medford Branch Canal and Locks, the sum of *one sixteenth part of a dollar* per ton, for each Lock; and the same sum per ton for all masts, timber and lumber floated or rafts or otherwise through the said Branch or Locks. And whereas it may be necessary in the formation of the said Branch and Locks that the property of private persons may (as in the case of highways) be appropriated for the use of the said Medford Branch Canal and Locks, by the digging and forming of the said Branch and Locks, or by being overflowed or damaged:

SECT. 6. *Be it therefore enacted*, That in all such cases the person or persons damaged, shall be entitled to the same means of redress which are established and provided in the case

case of persons damaged in like manner by the Middlesex Canal, and the same modes of process shall be pursued.

SECT. 7. *Be it further enacted*, That the said Proprietors be, and they are hereby authorized and empowered to purchase and hold real estate to the value of *ten thousand dollars*. Real estate may be held.

SECT. 8. *Be it further enacted*, That there shall be toll-gatherers to attend the Locks on said Branch, in the day time and at suitable places, who shall give constant attendance at their respective stations during the season for boats and rafts to pass, and on the toll being paid shall immediately permit passengers with their property to pass the said Branch and Locks: *Provided however*, That nothing in this Act shall contravene, or be construed to contravene the true intent and meaning of the provisions, agreements, restrictions and qualifications contained in an indenture made and executed on the eighth day of *October* last, by and between the Proprietors of the *Middlesex Canal* of the one part, and *Benjamin Hall, Richard Hall, and Nathaniel Hall*, for themselves and their associates, of the other part, but the same shall be binding on the Corporation hereby created. Toll-gatherers to give constant attendance.

SECT. 9. *And be it further enacted*, That the toll on said Branch and Locks shall commence as soon as the said Branch and Locks shall be completed. And whereas the said *Medford Canal* will cross the *Medford* turnpike road, at which place of crossing a Bridge on the said turnpike road will be necessary for passing said Canal and Locks: A certain indenture confirmed.

SECT. 10. *Be it further enacted*, That the toll on said Branch and Locks shall commence as soon as the said Branch and Locks shall be completed. Commencement of toll.

SECT. 10. *Be it further enacted*, That said Bridge shall not be raised to a greater height from the top of said turnpike road, as it now is, to the upper side of the planking in the middle of said Bridge, than four feet and six inches; that the said Bridge be built the full width of said turnpike road, from railing to railing; that the ascent of the causeway from the present level of the said turnpike road to said Bridge on both sides of the same, shall not exceed the ratio of five inches to a rod; that said Bridge and causeway shall be finished to the acceptance of the standing Committee of the said turnpike Corporation, and that said Bridge and causeway shall be made and kept in repair forever by the Proprietors of the said *Medford Canal* and Locks. Directions concerning a bridge over the Branch Canal.

[This Act passed March 16, 1805.]

An ACT to establish a Corporation by the Name of
The Fryeburg, Baldwin and Portland Turnpike Corporation.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Jacob McGaw, Judah Dana, James Osgood, Lewis*

Lewis McMillan, Robert Bradley, Timothy Osgood, Henry Y. B. Osgood, William Fessenden, John McMillan, John Bradley, Philip Page, Joshua B. Osgood, Seth Spring, Simon Frye, and Philip Eastman, with such others as may hereafter associate with them, and their successors, be and they are hereby constituted a Corporation by the name and style of *The Fryeburg, Baldwin and Portland Turnpike Corporation*; with all the powers and privileges incident to, and usually given and belonging to similar Corporations, for the purpose of laying out, making and keeping in repair a turnpike road, between the notch of the *White Hills*, in *New-Hampshire*, and *Portland*, in the District of *Maine*; said turnpike road to commence at or near to *Fryeburg Academy*, in *Fryeburg*; and thence to run in the most direct and convenient course, towards *Portland*, through the towns of *Brownfield, Hiram, Baldwin*, and a part of *Standish*, and to terminate at or near *Standish meeting-house*; which turnpike road shall not be less than four rods wide, and the part to be travelled on not less than twenty-four feet wide in any part thereof; and the said Corporation are hereby authorized to erect, and shall be obliged to keep in good repair, all such bridges as may be necessary on said turnpike road: And when said road shall be sufficiently made, and shall be allowed and approved by a Committee appointed by the Courts of General Sessions of the Peace for each of the counties of *Oxford* and *Cumberland* for that purpose, (*provided*, that no member of either of the said Committees shall have any share or interest in said turnpike road, or shall own any land through which the same shall pass, and shall judge only of the portion of the said turnpike in the county in which he resides,) then the said Turnpike Corporation shall be authorized to erect gates on the said road, at such places as the said Committee of the said Courts of Sessions and the said Corporation shall judge necessary and convenient for collecting the toll; *provided*, that no turnpike gate be erected nor any toll demanded on any part of the present travelled roads; and there shall not be more than four gates erected upon said turnpike road: And the said Corporation shall be entitled to receive of each traveller or passenger, at each of the said gates, the following rates of toll, viz. For each coach, chariot, phaeton, or other four-wheeled carriage, drawn by two horses, *twenty-five cents*, and if drawn by more than two horses, an additional sum of *four cents* for each horse; for every cart or waggon, drawn by two oxen or horses, *ten cents*; and if drawn by more than two oxen or horses, an additional sum of *three cents* for each ox or horse; for every curricule, *fifteen cents*; for every chaise, chair, or other carriage, drawn by one horse, *twelve cents*; for every man and horse, *five cents*; for every sled or sleigh, drawn by two oxen or horses, *eight cents*, and if drawn by more than two oxen or horses, an additional sum of

two cents for each ox or horse; for every sled or sleigh, drawn by one horse, *six cents*; for all horses, mules, oxen or neat cattle, led or driven, besides those in teams or carriages, *one cent* each; for all sheep or swine, at the rate of *six cents* for one dozen: *Provided*, That said Corporation may, if they see cause, commute the rate of toll with any Corporation, person or persons, by taking of him or them a certain sum annually, to be mutually agreed on in lieu of the toll aforesaid: And the said Corporation, at each place where the toll aforesaid shall be collected, shall erect in a conspicuous place, and constantly keep exposed to open view, a sign-board, with the rates of toll of all the tollable articles fairly and legibly written thereon in large or capital characters: *Provided also*, That not more than half the rate of toll aforesaid shall be demanded for carts or waggon, the fellies of the wheels of which shall be not less than six inches in width; and the General Court shall have the right otherwise to regulate the toll on carts and waggon, according to the width of the fellies of the wheels on which they shall run, and the burthen they shall carry.

SECT. 2. *And be it further enacted*, That the said Corporation may purchase and hold land over which they make said road; and the Justices of the Courts of General Sessions of the Peace in the counties of *Oxford* and *Cumberland*, are hereby authorized, on application of the said Corporation, to lay out the said road, or any part thereof, within the said counties of *Oxford* and *Cumberland*, by a Committee appointed by said Courts, as with the consent of the said Corporation, they shall think proper: And the said Corporation shall be liable to pay all damages which may arise to any person by taking his or her land for such road, (where the same cannot be obtained by mutual agreement of said Corporation and the owner of such land,) to be estimated by said Committee, (*provided*, that no member of the Committee, appointed in either of said counties shall have any share or interest in said turnpike road, or in the land which may be taken to make said road,) saving to either party the right of trial by jury, according to the law which makes provision for the recovery of damages arising from the laying out of highways.

SECT. 3. *And be it further enacted*, That if the said Corporation, or their toll-gatherers, or others in their employ, shall unreasonably delay or hinder any traveller or passenger, at either of said gates, or shall demand or receive more toll than is by this Act established, the said Corporation shall forfeit and pay a sum not exceeding *ten dollars* nor less than *two dollars*, to be recovered before any Justice of the Peace of the county where the offence shall be committed, by any person injured, delayed or defrauded, in a special action of the case; the writ in which case shall be served on the Corporation, by leaving

Corporation
may hold lands.

Penalty for de-
laying travel-
lers, or exact-
ing illegal toll.

leaving a copy of the same with the Treasurer, or with some individual member thereof, living in the county where the action may be brought, or by reading the same to the said Treasurer or individual member, at least seven days before the trial; and the Treasurer of the said Corporation, or individual member, shall be allowed to defend the same suit in behalf of the said Corporation: And the said Corporation shall be liable to pay all damages which may happen to any person, from whom toll is demandable, for any damage which shall arise to such person from defect of bridges, or want of repairs in the said turnpike road; and the said Corporation shall also be liable to presentment by the Grand Jury for neglecting to keep the same in good repair.

Penalty for injuring gates or road, and for attempting illegally to evade the toll.

SECT. 4. *And be it further enacted*, That if any person shall break down, cut, or otherwise injure or destroy either of the said turnpike gates, or shall dig up or carry away any earth from the said road, or in any manner damage the same, or shall forcibly pass, or attempt to pass any of the said gates by force, without having first paid the legal toll at such gate, such person shall forfeit and pay a fine not exceeding *ten dollars*, nor less than *five dollars*, to be recovered by the Treasurer of the said Corporation to their use, in an action of trespass on the case: And if any person with his team, cattle, or horse, turn out of the said road, and again enter on the same with intent to evade the toll due by virtue of this Act, such person shall forfeit and pay three times so much as the legal toll would have been, to be recovered by the Treasurer of the said Corporation, to the use of the same, in an action of debt or on the case: *Provided*, That nothing in this Act shall extend to entitle the said Corporation to demand and receive toll of any person who shall be passing with his horse or carriage to or from public worship, or with his horse, team or cattle, to or from his common labour on his farm, or to or from any grist-mill, or on the common and ordinary business of family concerns, or from any person or persons passing on military duty.

Exemptions from toll.

Shares considered personal estate, and to be transferable.

SECT. 5. *And be it further enacted*, That the shares in the same turnpike shall be taken, deemed and considered to be personal estate to all intents and purposes, and shall and may be transferable; and the mode of transferring the said shares shall be by deed, acknowledged before any Justice of the Peace, and recorded by the Clerk of the said Corporation, in a book to be provided and kept for that purpose.

First meeting.

SECT. 6. *And be it further enacted*, That the first meeting of said Corporation shall be holden at the house of *James Osgood*, in said *Fryeburg*, on the last Monday of *May* next, at ten o'clock in the forenoon, for the purpose of choosing a Clerk, who shall be sworn to the faithful discharge of the duties of his office, and such other officers as may then and there be agreed upon

upon by said Corporation; and the said Corporation may at any legal meeting thereof establish such rules and regulations as shall be judged necessary for the well ordering of its affairs; and at the said first meeting may determine the method of calling future meetings: *Provided*, That such rules and regulations shall in no case be repugnant to the Constitution or the laws of this Commonwealth.

SECT. 7. *And be it further enacted*, That the said Corporation shall, within six months after the said road is completed, lodge in the Secretary's office an account of the expenses thereof; and that the said Corporation shall annually exhibit to the Governor and Council, a true account of the income or dividend arising from said toll, with their necessary annual disbursements on the said road; and that the books of the said Corporation shall at all times be subject to the inspection of a Committee appointed by the General Court, for that purpose, or to the inspection of the Governor and Council when called for.

Accounts of expenses, receipts and disbursements to be exhibited.

SECT. 8. *And be it further enacted*, That whenever any Proprietor shall neglect or refuse to pay any tax or assessment, duly voted and agreed upon by the Corporation, to their Treasurer, within sixty days after the time set for the payment thereof, the Treasurer of said Corporation is hereby authorized to sell at public vendue, the share or shares of such delinquent Proprietor, one or more, as shall be sufficient to defray said taxes and necessary incidental charges, after having given public notice of such sale in two or more of the newspapers printed at *Portland*, in said county of *Cumberland*, the sum due on any such share or shares, and the time and place of sale, at least thirty days previous to the time of sale; and such sale shall be a sufficient transfer of the share or shares so sold, to the person purchasing the same; and on producing a certificate of such sale from the Treasurer to the Clerk of the said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the books of the said Corporation, and such purchaser shall be considered to all intents and purposes the Proprietor thereof; and the overplus, if any there be, shall on demand, be paid by the Treasurer, to the person whose share or shares shall be sold.

Shares of delinquents to be sold, and mode prescribed.

SECT. 9. *And be it further enacted*, That the General Court may dissolve the said Corporation, whenever it shall appear to their satisfaction, that the income arising from said toll shall have fully compensated the said Corporation for all monies they may have expended in purchasing, repairing and taking care of the said road, together with an interest thereon at the rate of *twelve per cent. per annum*; and thereupon the property of the said road shall be vested in this Commonwealth, and be at their disposal:

Corporation may be dissolved when indemnified.

posaf: *Provided*, That if the said Corporation shall neglect to complete said turnpike road, within seven years from the passing of this Act, the same shall be void and of no effect.

[This Act passed *March 16, 1805.*]

An ACT to incorporate *William Gray, jun. Esq. and others*, by the Name of *The Amesbury Nail Factory Company*.

Preamble.

WHEREAS *William Gray, jun. Esq. and others* his associates have purchased the mill, seats, buildings and machinery, situated upon *Porvov River* in *Amesbury*, in the county of *Essex*, known by the name of the *Amesbury Nail Factory*, and have purchased other land, and built a rolling and slitting mill there; have formed a Company for the purpose of carrying on the manufacture of nails there, and such other useful manufactures as shall, by said Company, be thought for their interest; and have petitioned the General Court that they may be incorporated with such powers as may enable them more conveniently and effectually to execute the purpose aforesaid:

General powers.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *William Gray, jun. Esq. Samuel Gray, Clifford Crowninshield, John Jenks, William Ward, Abel Lawrence, Edward Southwick, William S. Gray, John Appleton, George Dodge*, merchants, and *Samuel Putnam, Esq. and all persons* who may hereafter become partners in said Company, be, and they hereby are made and constituted a Body Politic and Corporate, by the name of *The Amesbury Nail Factory Company*, and by that name may sue and be sued in all actions, real, personal or mixed, to final judgment and execution; and may do and suffer all acts, matters and things which Bodies Politic may or ought to do and suffer; and may have and use a common seal, and the same may break and alter at pleasure: *Provided however*, That any Proprietor alienating his share or shares in said Company, shall thereupon, in respect thereto, cease to be a member of said Corporation; and the assignee thereof, and his heirs and assigns, shall be in respect thereto, thenceforward a member of said Corporation, vested with all the rights, and subject to all the duties, penalties and payments which the assignor thereof was or might have been vested with or liable to.

Corporation allowed to erect other mills.

SECT. 2. *Be it further enacted*, That the said Corporation shall have power, and is hereby authorized to carry on the manufactures already established, and the business necessarily connected therewith, and may erect any other mill or mills,

or

or buildings on the land, or over the waters now belonging to the said Corporation, upon said river, or near thereto, for the purpose of carrying on any useful manufacture, and the business necessarily connected therewith.

SECT. 3. *Be it further enacted*, That the said Corporation may be lawfully seized and possessed of such real estate as may be necessary and convenient for establishing and carrying on the said manufactory, and of any other useful manufacture, and the business aforesaid, and also of as large a personal estate as shall be actually employed therein: *Provided*, That such real estate shall not exceed the value of *fifty thousand dollars*, and the personal estate *four hundred thousand dollars*. Amount of real and personal estate allowed to be held.

SECT. 4. *Be it further enacted*, That the property of said Corporation shall be, and hereby is divided into one hundred shares, and shall be numbered in progressive order, beginning at number one; and every original member thereof shall have a certificate under the seal of said Corporation and signed by the Treasurer, certifying his property in such share, as shall be expressed in said certificate. Number of shares.

SECT. 5. *Be it further enacted*, That the said Corporation shall have power, from time to time, at any legal meeting, to choose a Clerk, who shall be sworn by a Justice of the Peace of said county, to the faithful performance of his duty, a Treasurer, and such other officers, directors, agents and factors as to said Corporation shall appear necessary for the management and government thereof: And each member of said Corporation shall have one vote for every share not exceeding sixteen: no member shall be allowed more than sixteen votes; and any member may appear at any meeting or vote by proxy; and the said Corporation, at any legal meeting, may make reasonable rules and by-laws for the government thereof, and the same may repeal at pleasure: *Provided*, That the same rules and by-laws shall not be repugnant to the Constitution and the laws of this Commonwealth, and provided that the Proprietors of eighty shares shall assent thereto. Officers to be chosen.

SECT. 6. *Be it further enacted*, That the articles of agreement containing the regulations and rules of said Company, dated the twenty-first day of *October*, A. D. 1801, shall, until the same be altered and repealed, be the rules of said Corporation, so far as the same are not repugnant to the Constitution and laws of this Commonwealth, and so far as the same are not altered by this Act; and all officers chosen by force of the same articles of agreement, shall and may respectively hold and exercise their several offices and duties, until new officers be chosen in their stead: *Provided*, That nothing in this Act shall be so construed as to infringe any right heretofore belonging to the Commonwealth or to individuals.

SECT.

Shares may be alienated.

SECT. 7. *Be it further enacted*, That any share may be alienated by the Proprietor thereof, by a deed under his hand and seal, and acknowledged before some Justice of the Peace, and recorded by the Clerk in a book to be kept for that purpose, and not in any other manner, except in the cases herein-after provided; and any purchaser shewing to the Treasurer such deed so recorded, and delivering up to him the former certificate, shall be entitled to a new certificate, executed in form aforesaid, certifying the property in such share to be in such purchaser.

Property of individual members may be attached.

SECT. 8. *Be it further enacted*, That in any action to be brought, or in any judgment to be rendered against said Corporation, the plaintiff not being able to find sufficient property of the Corporation to attach on *mesne process*, or whereon to levy his execution, shall have the right of attaching or levying his execution on any of the property of the individual members of the Corporation, in the same manner as if the action had been brought, and the judgment rendered against them in their individual capacity.

New certificates to be given to the administrators of Proprietors who may de- cease.

SECT. 9. *Be it further enacted*, That when any Proprietor shall die possessed of any share or shares in said Company, his executor or administrator, upon producing to the Treasurer such deceased Proprietor's certificate or certificates, shall be entitled to receive a new certificate, executed in form aforesaid, certifying the property of such share or shares to belong to such executor or administrator, who shall hold such share or shares as personal estate of such deceased Proprietor, and shall and may sell and dispose of the same at public auction or otherwise, in the same manner as by law he might sell and dispose of any chattels of such deceased; and such executor or administrator shall and may execute and acknowledge a deed or deeds of such share or shares, and the purchaser, producing to the Treasurer the certificate or certificates given to such executor or administrator, shall be entitled to receive a new certificate or certificates, executed in the form aforesaid, certifying such share or shares to belong to such purchaser; and such executor or administrator, who shall not have sold such share or shares, shall immediately after the settlement of the estate of such deceased Proprietor, deliver the certificate or certificates by him received, to the heir or legatee of such deceased, who shall, upon producing the same to the Treasurer, be entitled to a new certificate or certificates, executed in the form aforesaid, certifying the property of such share or shares to be in such heir or legatee.

Sales of shares to be advertised.

SECT. 10. *Be it further enacted*, That the time and place of all public sales of any share or shares, shall be made known, at least seven days before each sale, by publishing the same in the *Salem Gazette*, or in any newspaper to be printed at *Salem*, and

and if no such newspaper shall be there printed, then a like notice shall be given in the paper published by the printer for the General Court for the time being at *Boston*.

SECT. 11. *And be it further enacted*, That this shall be deemed and taken to be a public Act, and as such may be declared upon and given in evidence in any court of law, without specially pleading the same; and this Act shall continue in force for and during the term of twenty-five years and no longer.

This Act to be
admitted in ev-
idence.

[This Act passed March 16, 1805.]

An ACT establishing *The Winsoket Turnpike Corporation*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *Peleg Arnold, Laban Bates, John Whiting, Oliver Smith, Eli Richardson, jun. John Needham, and Lewis Fisher*, and all such persons as shall be associated with them, and their successors, be, and they are hereby constituted a Corporation by the name of *The Winsoket Turnpike Corporation*; for the purpose of laying out and making a turnpike road, from the line of this Commonwealth, near *Winsoket Falls*; thence running near and by the house of *Laban Bates, Esq.* in *Bellingham*, in the county of *Norfolk*; thence through the towns of *Franklin* and *Wrentham*, until it falls on to the *Norfolk and Bristol* Turnpike, in *Walpole* or *Dedham*, in such place, and as nearly on a straight line, as the nature of the ground and other local circumstances will admit, and for keeping the same in repair; which road shall not be less than four rods wide, and the part to be travelled on not less than twenty-four feet wide; And when the said turnpike shall be sufficiently made, and approved of by a Committee of the Court of General Sessions of the Peace for the county of *Norfolk*, then the said Corporation shall be authorized to erect three turnpike gates on the same, in such places as the said Committee shall determine, shall be entitled to receive from each traveller and passenger, at each of said gates, the following rates of toll, to wit: For every coach, phaeton, chariot, or other four-wheel carriage, drawn by two horses, *twenty-five cents*,—and if drawn by more than two horses, an additional sum of *four cents* for each horse; for every cart, waggon, sled or sleigh, drawn by two horses or oxen, *ten cents*,—and if drawn by more than two, an additional sum of *three cents* for each ox or horse; for every curricule, *seventeen cents*; for every chaise, chair, or other carriage, drawn by one horse, *twelve cents and an half*; for every waggon or cart, drawn by one horse, *eight cents*; for every man and horse, *five cents*; for all oxen, horses, mules, or neat cattle, led or driven, besides those

Course of the
road.

Toll establish-
ed.

in

Exemptions
from toll.

in teams and carriages, *one cent* each ; for all sheep and swine, *three cents* by the dozen, and in that proportion for any number : *Provided*, That nothing in this Act shall authorize the said Corporation to demand and receive toll of any person who shall be passing with his horse or carriage to or from his usual place of public worship, or with his horse, team or cattle to or from his common labour on his farm, or from any person or persons passing on military duty : *Provided also*, That the said Corporation may, if they see fit, commute the rate of toll with any of the inhabitants of any town through which the said road passes, by taking of him or them any certain sum annually, to be mutually agreed on in lieu of the toll established in and by this Act : *Provided also*, That the amount of toll to be received at all or either of said gates shall not exceed the several rates above mentioned for every nine miles, and in that proportion for a less distance ; “ and no gate shall be erected at any part of the old travelled road ; ” and that not more than half the toll before mentioned shall be paid for any cart or waggon before mentioned, the fellicies of the wheels of which shall be not less than six inches broad, and that the General Court may hereafter regulate the toll on carts and waggons, according to the width of the fellicies of the wheels on which they shall run, and the burthens they shall carry.

Corporation
may hold lands.

SECT. 2. *And be it further enacted*, That the said Corporation may purchase and hold any lands over which they may make the said road ; and the Justices of the Court of General Sessions of the Peace in the county of *Norfolk* are hereby authorized, on application from the said Corporation, to lay out such road, or any part thereof, by a Committee appointed by said Court, as, with the consent of the said Corporation, they may deem proper ; and the said Corporation shall be holden to pay all damages which shall arise to any person by taking his land for such road, where it cannot be obtained by voluntary agreement, to be estimated by said Committee, saving to either party the right of trial by Jury according to the law which makes provision for the recovery of damages happening by the laying out public highways.

Penalty for de-
laying travel-
lers, or exact-
ing illegal toll.

SECT. 3. *And be it further enacted*, That if the said Corporation, their toll-gatherer, or others in their employ, shall unreasonably delay or hinder any traveller or passenger at the said gate, or shall demand or receive more toll than is by this Act established, this Corporation shall forfeit and pay a sum not exceeding *ten dollars* nor less than *one dollar*, to be recovered before any Justice of the Peace within said county, by any person hindered, delayed or defrauded, in a special action on the case ; the writ in which case shall be served on the Corporation, by leaving a copy of the same with the Treasurer, or with some member of the Corporation living in the county wherein the action

action may be brought, at least seven days before the day of trial; and the Treasurer or such member shall be allowed to defend the same suit in behalf of the Corporation: And the Corporation shall be liable to pay all damages which shall happen to any person from whom toll is by this Act demandable, for any damages which arise from defect of bridges or want of repairs within the same way; and shall also be liable to a fine, on presentment of the Grand Jury, for not keeping the same way or the bridges thereon in good repair.

SECT. 4. *And be it further enacted*, That if any person shall cut, break down or destroy the said turnpike gates, or either of them, or shall forcibly pass, or attempt by force to pass the same without having first paid the legal toll at said gate, such person shall forfeit and pay a fine not exceeding *fifty dollars* nor less than *five dollars*, to be recovered by the Treasurer of the said Corporation, to their use, in an action of debt: And if any person shall, with his cattle, team, carriage, or horse, turn out of the said road to pass the said turnpike gate, with intent to avoid the toll due by virtue of this Act, and again enter on said road, such person shall forfeit and pay *one dollar*, to be recovered by the Treasurer of the said Corporation, to the use thereof, in an action of debt or on the case.

Penalty for injuring gates or road, and for attempting illegally to evade the toll.

SECT. 5. *And be it further enacted*, That the shares in the same turnpike road shall be taken, deemed and considered to be personal estate, to all intents and purposes, and shall and may be transferable; and the mode of transferring said shares shall be by deed, acknowledged before any Justice of the Peace, and recorded by the Clerk of the said Corporation, in a book kept for that purpose.

Shares considered personal estate, and to be transferable.

SECT. 6. *And be it further enacted*, That a meeting of said Corporation shall be held at the house of *Nathaniel Adams*, innholder, in *Franklin* aforesaid, on the second Monday of *April* next, for the purpose of choosing a Clerk, and such other officers as may then and there be agreed upon by said Corporation, for regulating the concerns thereof; and that the said Corporation may then and there agree upon such method of calling meetings in future as they may judge proper.

First meeting.

SECT. 7. *And be it further enacted*, That the said Corporation shall, within six months after the said road shall be completed, lodge in the Secretary's office an account of the expenses thereof; and that the said Corporation shall annually exhibit to the Governor and Council a true account of the income or dividend arising from the said toll, with their necessary annual disbursements on said road; and that the books of the said Corporation shall at all times be subject to the inspection of a Committee to be appointed by the General Court, or to the inspection of the Governor and Council when called for.

Accounts of expenses, receipts & disbursements to be exhibited.

SECT.

Shares of delinquents to be sold, and mode prescribed.

SECT. 8. *And be it further enacted*, That whenever any Proprietor shall neglect or refuse to pay any tax or assessment, duly voted and agreed upon by the Corporation, to their Treasurer, within thirty days after the time set for the payment thereof, the Treasurer of said Corporation is hereby authorized to sell at public vendue the share or shares of such delinquent Proprietor, one or more, as shall be sufficient to defray said taxes and necessary incidental charges, after duly notifying in some newspaper printed at *Boston*, the sum due on any such shares, and the time and place of sale, at least twenty days previous to the time of sale; and such sale shall be a sufficient transfer of the share or shares so sold, to the person purchasing; and on producing a certificate of such sale, from the Treasurer to the Clerk of said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the books of the said Corporation, and such person shall be considered to all intents and purposes the Proprietor thereof; and the overplus, if any there be, shall be paid on demand, by the Treasurer, to the person whose shares were thus sold.

Sign-board to be erected.

SECT. 9. *And be it further enacted*, That the said Corporation shall, at the place where the said toll shall be collected, erect and keep constantly exposed to view, a sign or board, with the rates of toll of all the tollable articles fairly and legibly written thereon in large or capital characters.

Corporation may be dissolved when indemnified.

SECT. 10. *And be it further enacted*, That the General Court may dissolve said Corporation, whenever it shall appear to their satisfaction, that the income arising from the said toll shall have fully compensated the said Corporation for all money they may have expended in purchasing, repairing and taking care of the said road, together with an interest thereon at the rate of *twelve per centum* by the year; and thereupon the property of said road shall be vested in this Commonwealth, and be at their disposal: *Provided*, That if the said Corporation shall neglect to complete the said turnpike road for the space of five years from the passing this Act, the same shall become void and of no effect.

Right of voting.

SECT. 11. *And be it further enacted*, That every Proprietor in said turnpike road, or his agent duly authorized in writing, shall have a right to vote in all meetings of the said Corporation, and shall be entitled to as many votes as the Proprietor has shares in the same, *provided* the number of shares do not exceed ten; but no Proprietor shall be entitled to more than ten votes for any greater number of shares he may possess.

Monies may be granted.

SECT. 12. *And be it further enacted*, That the said Corporation is hereby allowed to grant monies to such persons as have rendered services to the Proprietors in exploring the said road, or otherwise, previous to the Act of incorporation.

SECT.

SECT. 13. *And be it further enacted*, That the said Corporation be, and they are hereby authorized to purchase and hold other real estate, to the amount of *ten thousand dollars*. Real estate.

[This Act passed March 16, 1805.]

An ACT to establish a Corporation by the Name of
The Blandford and Russell Turnpike Corporation.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Samuel Knox, Job Almy, Israel Ashley, Stephen Ashley, William Ashley, Eli P. Ashmun, James Babcock, Ebenezer Bartlett, jun. Elijah Bates, Aaron Beard, Adam Blair, Reuben Blair, Asa Blair, James Blair, Reuben Boies, Samuel Boies, Samuel Boies, 2d. William Boies, David Boies, David Boies, 2d. Joseph W. Brewster, Zadock Brown, Joseph Bull, Moses A. Bunnel, Perry Button, Robert Cannon, Martin Cannon, Chandler Carter, Levi Chapman, Samuel Chapman, Thomas James Douglas, Joseph B. Elmore, William Ferguson, Medad Fowler, Ephraim Gibbs, Samuel C. Gibbs, Nathan Gibbs, Erasmus Grant, John Hamilton, Benjamin Hastings, James Hazard, Robert Hazard, Benj. Henry, Enoch Holcomb, jun. John Ingersoll, Elijah Knox, John Knox, William Knox, Jared W. Knowlton, Jacob Loomis, Isaac Lloyd, James Lloyd, James Moore, Jacob Morse, Israel Mosely, Solomon Noble, Jonathan Osborn, Gad Palmer, Squire Palmer, Abner Pease, Ezra Sacket, Stephen Sacket, Jonathan Shepard, Solomon Stewart, jun. William Stewart, Benjamin Taggart, John Watson, Paul Whitney, Barnabas Whitney, Andrew Wilson, John Wilson, Amos Whitter, and Oliver Weller, together with such others as may hereafter associate with them, and their successors, shall be a Corporation by the name of *The Blandford and Russell Turnpike Corporation*, with all the powers and privileges incident to, and usually given to similar Corporations, General powers. for the purpose of laying out, making and keeping in repair, a turnpike road from the dwelling-house of Stephen Sacket, in Westfield, through Russell, to the dwelling-house of Solomon Noble, in Blandford; which road shall not be less than four rods wide, and the path to be travelled on not less than twenty feet wide in any part thereof, (excepting where the same cannot be reasonably required to be of that width on account of rocks;) and when the said turnpike road shall be sufficiently made, and shall be so allowed and approved of by a Committee, to be appointed for that purpose by the Court of Common Pleas for the county of Hampshire; the said Corporation shall be authorized to erect one turnpike gate on the same, in such manner and place as the said Committee shall Course of the road.

Toll establish-
ed.

shall judge necessary and convenient for collecting the toll, and shall be entitled to receive of each traveller or passenger at the said gate, the following rates of toll, viz. For every coach, phaeton, chariot, or other four-wheel carriage, drawn by two horses, *twenty-five cents*; and if drawn by more than two horses, an additional sum of *four cents* for each horse; for every cart or waggon, drawn by two oxen or horses, *ten cents*; and if drawn by more than two oxen or horses, the additional sum of *three cents* for each ox or horse; for every curricule, *twelve cents and five mills*; for every chaise, chair, sulkey, or other carriage, drawn by one horse, *twelve cents and five mills*; for every man and horse, *five cents*; for every sled or sleigh, drawn by two oxen or horses, *seven cents*, and if drawn by more than two oxen or horses, an additional sum of *two cents* for each ox or horse; for every sled or sleigh, drawn by one horse, *five cents*; for all horses, mules, oxen or neat cattle, led or driven, beside those in teams and carriages, *one cent* each; and for all sheep or swine at the rate of *three cents* per dozen: And the said Corporation shall cause to be erected, in some conspicuous place, and constantly exposed to public view, a sign or board with all the tollable articles, and the rates of toll to each, fairly and legibly written or printed thereon in large or capital letters.

Sign-board to
be erected.Penalty for de-
laying travel-
lers or exact-
ing illegal toll.

SECT. 2. *And be it further enacted*, That if the said Corporation, their toll-gatherers, or others in their employ, shall unreasonably delay or hinder any traveller or passenger at the said gate, or shall demand or receive more toll than is by this Act established, the said Corporation shall forfeit and pay a sum not exceeding *ten dollars* nor less than *one dollar*, to be recovered before any Justice of the Peace for the county of *Hampshire*, by any person injured, delayed or defrauded, in a special action of the case, the writ in which case shall be served on said Corporation by leaving a copy of the same with the Treasurer or any individual member, at least seven days before the trial; and the Treasurer of the said Corporation, or any individual member, shall be allowed to defend the same suit in behalf of the said Corporation: And the said Corporation shall be liable to pay all damages which shall happen to any person from whom the toll is demandable, from defect of bridges or want of repairs in said road, and shall also be liable to presentment of the Grand Jury for not keeping the same in repair: And if the said road, or any part thereof, shall be suffered to be out of repair, the Justices of the Court of Common Pleas for the said county of *Hampshire*, or a Committee to be by them appointed for that purpose, are hereby authorized to order the said gate to be set open, the said Justices or their Committee having previously notified the Clerk of the said Corporation of complaint having been made of the bad-
ness

ness of the road, at least ten days previous to the ordering them to be set open, and immediately upon the leaving such order in writing, under the hands of the said Justices or their Committee, with the Clerk of the Corporation, the said gate shall be opened, and no toll shall be legally demandable or taken thereat, until the said Justices, or their Committee, shall grant a counter order.

SECT. 3. *And be it further enacted,* That if any person shall cut, break down, or otherwise destroy or injure the said turnpike gate, or shall dig up or carry away any earth from the said road, or in any manner damage the same; or shall forcibly pass, or attempt by force to pass the said gates, without having first paid the legal toll, such person shall forfeit and pay a fine not exceeding *thirteen dollars*, nor less than *one dollar*, to be recovered by the Treasurer of said Corporation, to their use, in an action of trespass: And if any person with his team, cart or horse, turn out of said road to pass the said turnpike gate, and again enter on the said road, with an intent to evade the toll due by virtue of this Act, such person shall forfeit and pay three times as much as the legal toll would have been, to be recovered by the Treasurer of the Corporation to the use of the same, in an action of trespass on the case: And if any person shall draw any log, tree, or stick of timber on or over said turnpike road, except in the months of *January* or *February*, unless said log, tree, or stick of timber is loaded on a cart or sled, or one end thereof is raised on a sled, cart, or other suitable carriage, such person shall forfeit and pay to the said Corporation *three dollars* for every log, tree or stick of timber so drawn over the said road, to be recovered by action of debt: *Provided also,* That not more than half the toll before mentioned shall be paid for any cart or waggon, the fellies of the wheels of which shall not be less than six inches broad, and that the General Court may hereafter regulate the toll on carts and waggons, according to the width of the fellies of the wheels on which they shall run, and the burthen they shall carry: *Provided,* That nothing in this Act shall extend to entitle the said Corporation to demand and receive toll from any person or persons who shall be passing with his horse or carriage to or from public worship, or with his horse, team or cattle to or from his common labour on his farm, or to or from any grist mill, or on the common and ordinary business of family concerns with the same town, or from any person or persons passing on military duty.

Penalty for injuring gates or road, and for attempting illegally to evade the toll.

Penalty for drawing timber improperly.

Exemptions from toll.

SECT. 4. *And be it further enacted,* That the shares in the said turnpike shall be taken, deemed and considered to be personal estate, to all intents and purposes, and shall and may be transferable; and the mode of transferring said shares shall be by deed, acknowledged before any Justice of the Peace, and recorded

Shares considered personal estate, and to be transferable.

recorded by the Clerk of the Corporation in a book to be kept for that purpose.

SECT. 5. *And be it further enacted,* That when any Proprietor shall neglect or refuse to pay any tax or assessment duly voted and agreed upon by said Corporation, to their Treasurer, within sixty days after the time set for the payment thereof, the Treasurer of the said Corporation is hereby authorized to sell at public vendue, the share or shares of such delinquent Proprietor, one or more, as shall be sufficient to defray said taxes and the necessary incidental charges, after duly notifying in the newspaper printed at *Springfield*, in said county of *Hampshire*, or in case no paper should be there printed, then in some other paper printed in the same county, the sum due on such shares, and the time and place of sale, at least twenty days previous to the time of sale; and such sale shall be a sufficient transfer of the share or shares so sold, to the person or persons purchasing the same; and on producing a certificate of such sale from the Treasurer to the Clerk of said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the books of the said Corporation, and such person shall be considered to all intents the Proprietor thereof; and the overplus, if any there be, paid on demand, by the Treasurer, to the person whose share was thus sold.

Shares of delinquents to be sold, and mode prescribed.

SECT. 6. *And be it further enacted,* That the said Corporation may purchase and hold land over which they may make the said road, and the Justices of the Court of General Sessions of the Peace for the county of *Hampshire* are hereby authorized, on application of the said Corporation, to lay out, said road, or any part thereof, as with the consent of the said Corporation they shall think proper, by a Committee from said Court; and the said Corporation shall be liable to pay all damages that shall arise to any person by taking his land for such road, when the same cannot be obtained by voluntary agreement, to be estimated by said Committee, saving to either party the right of trial by jury, according to the law which makes provision for the recovery of damages arising from the laying out of highways.

Corporation may hold lands.

SECT. 7. *And be it further enacted,* That a meeting of said Corporation shall be held at the house of *Stephen Sacket*, innholder, in *Wesfield*, on the second Monday of *May* next, for the purpose of choosing a Clerk, who shall be sworn to the faithful discharge of the duties of said office, and such other officers as may then and there be agreed upon by said Corporation, and at the same or subsequent meetings, may make and establish such by-laws, rules and regulations as they shall judge necessary and convenient; provided that the same shall not be repugnant to the Constitution and Laws of this Commonwealth:

First meeting.

Commonwealth : And the said Corporation may then and there agree upon a method of calling meetings in future, as they shall judge proper.

SECT. 8. *And be it further enacted*, That the said Corporation shall, within six months after the said road is completed, lodge in the Secretary's office an account of the expenses thereof, and shall also annually exhibit to the Governor and Council a true account of the income or dividend arising from the said toll, with their necessary annual disbursements on said road.

Accounts of expenses, receipts and disbursements to be exhibited.

SECT. 9. *And be it further enacted*, That the Legislature may dissolve the said Corporation, whenever it shall appear to their satisfaction, that the income arising from the toll shall have fully compensated the said Corporation for all their expenditures in exploring, purchasing, and taking care of, and repairing said road, together with an interest thereon at the rate of *twelve per centum* by the year; and thereupon the property of said road shall be vested in this Commonwealth, and be at the disposal of the Legislature thereof.

Corporation may be dissolved when indemnified.

[This Act passed March 16, 1805.]

AN ACT to incorporate certain Persons for the Purpose of laying out and making a Turnpike Road from *Effingham*, in the State of *New-Hampshire*, to *Saco*, in the County of *York*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *James Brudbury, Thomas Cuits, Samuel Dalton, Nicholas Emery, Joseph Huckens, Isaac Lord, James Marston*, 3d. together with such other persons as may hereafter associate with them, and their successors, shall be a Corporation by the name of *The Ossapee Turnpike Company*; and by that name may sue and be sued, and exercise all the privileges and powers which are by law incident to similar Corporations, for the purpose of laying out and making a turnpike road from the easterly side line of the town of *Effingham*, between *South River*, so called, and the northerly boundary of the town of *Parsonsfield*, and running easterly over the most practicable ground through said *Parsonsfield*, near the Congregational and Baptist meeting-houses, and through *Limerick*, near the dwelling-house of *John Morrell*, Esq. and onward through *Phillipsburgh* and *Buxton*, to *Saco*, crossing *Saco River*, at or near the *Bar Mills*, so called, and erecting and keeping in repair all necessary bridges in the route aforesaid : *Provided*, That if the said Corporation neglect to complete the said turnpike road, for the space of seven years after the passing of this Act, the same shall be void.

General powers.

Course of the road.

SECT.

First meeting.

SECT. 2. *Be it further enacted*, That the said *Joseph Parsons, Nicholas Emery, and Joseph Huckens*, or either of them, may by an advertisement in the *Portland Gazette*, or *Eastern Argus*, call a meeting of the said Proprietors, to be holden at any suitable time and place, after thirty days from the first publication of the advertisement; and the said Proprietors, by a vote of the majority of those present, shall choose a Clerk, who shall be sworn to the faithful performance of his duty; and shall also agree on a method of calling future meetings; and at the same or any subsequent meeting, may make and establish any rules and regulations that may be necessary or convenient for regulating the affairs of the said Corporation, and for completing and executing the purposes aforesaid, or for collecting the toll hereafter granted: And the same rules and regulations may cause to be kept and executed, or for the breach thereof may order and enjoin fines and penalties, not exceeding *thirteen dollars and thirty-three cents* for any breach thereof: *Provided*, such rules and regulations are not repugnant to the Constitution and Laws of this Commonwealth: And the said Proprietors may also appoint any other officer or officers, which they may think necessary; and all representations at any meeting shall be made in writing, signed by the person or persons making the same, which shall be filed, with and recorded by the Clerk; and this Act, and all votes, rules and regulations of the said Corporation, shall be fairly and truly recorded by the said Clerk, in a book or books for that purpose to be provided and kept.—And said Proprietors, or a majority present at said first meeting, may adjourn the same, and any future meetings may be adjourned by the majority present, as to them shall appear proper; and every Proprietor in the said turnpike road, or his agent, duly authorized in writing, shall have a right to vote in all meetings of the said Proprietors, according to his number of shares in the same: *Provided*, That no Proprietor shall be entitled to more than ten votes.

Corporation
may hold lands.

SECT. 3. *And be it further enacted*, That the said Corporation may purchase and hold any land, over which they may make the said road; and the Justices of the Court of General Sessions of the Peace in the county of *York* are hereby authorized, on application from the said Corporation, to lay out such road, or any part thereof, as with the consent of the said Corporation they may think proper, by a Committee from said Court: And the said Corporation shall be holden to pay all damages which shall arise to any person by taking his land for such road, where it cannot be obtained by voluntary agreement, to be estimated by said Committee, saving to either party the right of trial by Jury, according to the law which makes provision for the recovery of damages arising from the laying out of highways: And the said Corporation is hereby empowered to purchase and hold other real estate, adjacent, or near

to,

to, for the greater accommodation of the travel on the said road, to the amount of *three thousand dollars*.

SECT. 4. *And be it further enacted*, That if any person shall cut, break down, or otherwise injure or destroy either of the turnpike gates, or sign boards, or shall dig up or carry away any earth from the said road, or in any other manner damage the same, or shall forcibly pass, or attempt to pass the said gate by force, with intent to avoid the payment of the legal toll at such gate, such person shall forfeit and pay a fine not exceeding *ten dollars* nor less than *five dollars*, to be recovered by the Treasurer of the said Corporation to their use, in an action of trespass: And if any person, with his horse, team, or cattle, turn out of the said road, to pass the said turnpike gate, and again enter on the said road, with intent to evade the toll due by virtue of this Act, such person shall forfeit and pay *two dollars*, to be recovered by the Treasurer of the said Corporation, to the use of the same, in an action of debt: *Provided however*, That nothing in this Act shall extend to entitle the said Corporation to demand or receive toll of any person who shall be passing on foot, or with his horse or carriage, to or from public worship, or with his horse, team or cattle, to or from his common labour on his farm, or to or from any grist-mill, or on the common business of family concerns, or from any person or persons passing on military duty: *Provided also*, That not more than one half of the toll before mentioned shall be paid for any cart or waggon, the fellyes of the wheels of which shall be not less than six inches broad, and that the General Court may hereafter regulate the toll on carts and waggons, according to the width of the fellyes of the wheels on which they shall run, and the burden they shall carry.

Penalty for injuring gates or road, and for attempting illegally to evade the toll.

Exemptions from toll.

SECT. 5. *And be it further enacted*, That if the said Corporation, their toll-gatherer or others in their employ, shall unreasonably delay or hinder any traveller or passenger, or shall demand or receive more toll than is by this Act established, the said Corporation shall forfeit and pay a sum not exceeding *ten dollars*, nor less than *two dollars*, to be recovered before any Justice of the Peace of the county where the offence shall be committed, by any person injured, delayed or defrauded, in a special action of the case; the writ in which case shall be served on the said Corporation, by leaving a copy of the same with the Treasurer, or with some individual member, living in the county of *York*, or by reading the same to the said Treasurer or individual member, at least seven days before the day of trial: And the said Treasurer or individual member shall be allowed to defend the same suit in behalf of the said Corporation: And the said Corporation shall be liable to pay all damages which may happen to any person from whom toll is demandable, for any damage which shall arise from defect of bridges,

Penalty for delaying travellers, or exacting illegal toll.

or

or want of repairs in the said way ; and shall also be liable to presentment by the Grand Jury for not keeping the same in good repair.

SECT. 6. *And be it further enacted*, That the said turnpike road shall not be less than four rods wide, and the path to be travelled on not less than twenty-four feet wide in any part thereof: And when ten miles of the road shall be sufficiently made and finished, and shall be so allowed and approved by a Committee appointed by the Court of General Sessions of the Peace for the county of *York*, (*provided*, that no member of said Committee shall hold any share or interest in the said turnpike,) then the said Corporation shall be authorized to erect one turnpike gate on the said road, in such place as the Committee of the said Court of Sessions shall appoint; and every gate which may be afterwards erected, shall be subject to the same conditions of the approbation of a Committee appointed as aforesaid, by the Court of General Sessions of the Peace for the said county of *York*: *Provided*, That no more gates shall be erected on said road than one to every ten miles of road so made and approved as aforesaid; and no gates shall be erected on any part of the old travelled road; and it shall be lawful for the said Corporation to demand and receive of each traveller or passenger, at each of the said gates, the following rates of toll, viz. For each and every coach, chariot, phaeton, curricule, or other four-wheel carriage for pleasure, drawn by two horses, *twenty-five cents*; and if drawn by more than two horses, *two cents* for each additional horse; for each cart or waggon for burthen, drawn by two oxen, or horses, *ten cents*; and if drawn by more than two, an additional sum of *two cents* for each additional beast; for every chaise, chair, or other two-wheel carriage for pleasure, drawn by one horse, *twelve and a half cents*; for every horse and rider, *six cents and a quarter*; for every sled or sleigh for burthen, drawn by one beast, *six and a half cents*; and if drawn by more than one, *two cents* for each additional beast; for each sleigh for pleasure drawn by one horse, *ten cents*; and if drawn by more than one, *two cents* for each additional horse; for all horses, mules, oxen or neat cattle led or driven, not in teams or carriages, *one cent* each; and for all sheep and swine, at the rate of *three cents* per dozen; and in that proportion for a greater or less number: *Provided however*, That the said Corporation may, when they see cause, commute the rate of toll with any person, or with any Corporation, by taking of him or them a certain sum annually, as may be mutually agreed on in lieu of the toll aforesaid: And at all times when the toll-gatherer shall not attend his duty, the gates shall be left open, and every person may pass free of toll: And the said Corporation shall, at each place where the toll shall be collected, erect in some conspicuous place, and constantly keep exposed

Toll established.

Sign-board to be erected.

exposed to open view, a sign or board, with the rates of toll of all the tollable articles, fairly and legibly written or printed in large or capital letters.

SECT. 7. *Be it further enacted*, That shares in said turnpike shall be deemed personal estate to all intents and purposes, and shall be transferable by deed, duly acknowledged, shall be recorded by the Clerk of the said Corporation, in a book to be kept for that purpose. Shares considered personal estate, and to be transferable.

SECT. 8. *Be it further enacted*, That whenever any Proprietors shall neglect or refuse to pay any tax or assessment duly voted and agreed upon by the said Corporation, to their Treasurer, within sixty days after the time set for the payment thereof, the Treasurer of the said Corporation is hereby authorized to sell at public vendue the share or shares of such delinquent Proprietor, one or more, as shall be sufficient to defray the said taxes and necessary incidental charges, after having given public notice of such sale in the newspapers printed in the counties of York and Cumberland, (and if there shall be no newspaper printed in either of the said counties at the time, then in the newspaper printed at such other place as shall be nearest to the said turnpike road,) the sum due on any such share or shares, and the time and place of sale, at least thirty days previous thereto; and such sale shall be a sufficient transfer of the share or shares so sold to the person purchasing the same; and on producing a certificate of such sale, from the Treasurer to the Clerk of the said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the books of the said Corporation; and such person shall be considered to all intents and purposes the Proprietor thereof; and the overplus, if any there be, shall be paid on demand, by the Treasurer, to the person whose shares were then sold. Shares of delinquents to be sold, & mode prescribed.

SECT. 9. *Be it further enacted*, That the said Corporation shall, within six months after the said road is completed, deposit in the office of the Secretary of this Commonwealth, an account of the expenses thereof; and shall annually afterwards exhibit to the Governor and Council an account of the income or dividends arising from the toll, with their necessary annual disbursements on the said road: And the books of the said Corporation shall at all times be subject to the inspection of the General Court, or of the Governor and Council, when called for. Accounts of expenses, receipts and disbursements to be exhibited.

SECT. 10. *Be it further enacted*, That the Legislature may dissolve the said Corporation, whenever it shall appear to their satisfaction that the income arising from the said toll shall have fully compensated the said Corporation for all money they may have expended in purchasing, repairing and taking care of the Corporation may be dissolved when indemnified.

the said road, together with an interest thereon at the rate of *twelve per cent.* by the year; and thereupon the property of the said road shall be vested in the Commonwealth, and be at the disposal of the Legislature : *Provided however*, That, if the said Corporation shall neglect, for seven years from the date of this Act, to complete the said turnpike road, then this grant shall be null and void.

[This Act passed *March 16, 1805.*]

An ACT to authorize *Henry Tucker* and his Associates, to build a Bridge over a Salt Creek, a Branch of *Apponeganset River*, in the Town of *Dartmouth*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Henry Tucker*, and such others as have, or may hereafter associate with him and them, be, and they are hereby permitted to build a Bridge over a salt water creek, which is a branch of the river called *Apponeganset*, in the town of *Dartmouth*, in the county of *Bristol* : *Provided*, That the said Bridge shall always be free, and no toll shall ever be demanded of any passenger for passing the same.

[This Act passed *June 14, 1805.*]

An ACT to incorporate a Number of the Inhabitants in the Town of *Fitchburg*, in the County of *Worcester*, into a Religious Society, by the Name of *The Calvinistic Congregational Society in Fitchburg*.

Preamble.

WHEREAS the Congregational Church in *Fitchburg*, lately under the pastoral care of the Reverend *Samuel Worcester*, now under that of the Reverend *Titus T. Barton*, together with those who meet with said Church for the worship of God, have petitioned this Court to be incorporated into a distinct Religious Society, for the reasons expressed in their petition, and it appearing reasonable to this Court that the prayer thereof be granted :

Incorporating
clause.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Church aforesaid, and such inhabitants of the town of *Fitchburg* as meet with them for the worship of God, with their polls and estates, be, and hereby are incorporated into a Society, by the name of *The Calvinistic Congregational Society in Fitchburg* ; with all the powers, privileges and immunities which other Religious Societies in this Commonwealth are entitled to by law, they paying the taxes that have already been assessed upon them for the support of public worship.

SECT.

SECT. 2. *Be it further enacted*, That any of the inhabitants of the town of *Fitchburg*, who may desire to join said Society, shall have full liberty thus to do, at any time previous to the first day of *January*, one thousand eight hundred and six: *Provided* they signify, in writing under their hand to the Clerk of the said Society, their wish and determination of being considered as members of said Society; and they shall accordingly be recorded as such by the Clerk of the said Society: And any member of said Society shall have the right to leave the same at any time before the first day of *January*, one thousand eight hundred and six, by leaving a written determination with the Clerk of said Society, whose duty it shall be to record the same, and such member shall thence afterwards be considered a member of the Society to which he originally belonged.

How to join or
leave this Soci-
ety.

SECT. 3. *Be it further enacted*, That if any person who may hereafter settle within the limits of said town, shall be desirous to join the Society aforesaid, he shall have full liberty to do it any time within twelve months from his settlement in the town, by signifying his determination of the same in the manner pointed out in the second section of this Act.

Provision for
persons who
may hereafter
settle in Fitch-
burg:

SECT. 4. *Be it further enacted*, That all young persons within the limits of the town aforesaid, when they become twenty-one years of age, shall have full liberty, at any time within twelve months after they become twenty-one years of age, to join, with their polls and estates, either of the said Societies, by signifying their determination in writing to the Clerk of the Society they may desire to join.

— or who
may come of
age.

SECT. 5. *Be it further enacted*, That *Joseph Fox*, Esq. or any other Justice of the Peace in the county of *Worcester*, be, and he is hereby authorized to issue his warrant, directed to some member of the said Calvinistic Congregational Society, requiring him to warn the members of the said Society, qualified to vote in parish affairs, to assemble at some convenient and suitable time and place, as shall be expressed in the said warrant, to choose such officers as parishes are by law required to choose in the month of *March* or *April* annually, and to transact all other matters and things necessary for the well being of the said Society.

Meeting for the
choice of par-
ish officers.

[This Act passed *June 14, 1805.*]

An ACT to encourage the Establishment of a Cotton Manufactory in the Town of *Rehoboth*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all the buildings which are or may be erected within said town of *Rehoboth*, by *Eliphalet Slack*, *Oliver Starkweather*,
Ebenezer

Ebenezer Tyler the 2d, *Elijah Ingraham*, and others, for the purpose of establishing a Cotton Manufactory in said town, and all the materials and stock to be employed in the manufacture of cotton, be, and they are hereby exempted from taxes of every kind, for and during the term of five years from and after the passing of this Act, and no longer.

[This Act passed June 14, 1805.]

An ACT to incorporate fundry Persons by the Name
of *The Little Harbour Corporation in Marblehead.*

Preamble.

WHEREAS *Thomas Elkins, William Storey, Ralph Hill French, Stephen Swett, Nathaniel Hooper, Robert Hooper, John Brown, William Reed, and John D. Dennis*, have in their petition to this Court represented, that the common harbour in *Marblehead* is very dangerous, and that vessels at anchor there are very insecure, from its exposure to violent easterly winds, and that *Little Harbour*, (so called,) in said *Marblehead*, might be made a very safe and convenient harbour or basin for the docking of vessels, and have in their said petition prayed for an Act of incorporation, to enable them to improve the said *Little Harbour* for the purposes aforesaid; and it appearing that such an institution, under suitable regulations, may be very advantageous to the trade and commerce of that place:

General pow-
ers.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said *Thomas Elkins*, and others before named, and their associates, successors, and assigns, shall be, and they hereby are created a Body Politic and Corporate by the name of *The Little Harbour Corporation in Marblehead*; and by the name aforesaid may sue and be sued to final judgment and execution, and may plead and be impleaded in any Court of Record, and in any other place whatever; and may have a common seal and exercise and enjoy all the rights and powers which are by law incident and belonging to similar Corporations, for the purpose of improving the said *Little Harbour*, together with all the flats, waters, entrances, and privileges, comprized between *Doliber's Point*, so called, on the north, and *Gerry's Island*, so called, on the south, and thence over the bar, from *Gerry's Island* to the main land, to the town's highway, inclusive of all the flats and waters, to the point first mentioned, to use and improve the same in such a manner as shall render the same a safe and convenient basin or dock for the reception and safe lodgment of vessels, and for keeping the same in repair; and also to establish and put in execution such by-laws and regulations as to them shall seem necessary and convenient

convenient for the government of the said Corporation, and the prudent management of their affairs: *Provided* such by-laws be in no wise contrary to the Constitution and laws of this Commonwealth; and the said Corporation shall always be subject to the rules, limitations and provisions herein prescribed.

SECT. 2. *Be it further enacted*, That when the said *Little Harbour* shall be made and completed as a safe and convenient basin or dock, then the said Corporation shall be authorized to extend a boom across the entrance thereto, and shall be entitled to receive from each vessel entering the same the following rates of toll or dockage, viz. For every vessel under fifty tons, *thirty cents* per day; from fifty and not above one hundred tons, *forty cents* per day; from one hundred to one hundred and fifty tons, *fifty cents* per day; from one hundred and fifty to two hundred tons, *sixty cents* per day; and from two hundred to three hundred tons, *seventy cents* per day.

Rates of dock-
age.

SECT. 3. *Be it further enacted*, That if the said Corporation, their toll-gatherer, or any other person in their employment, shall unreasonably delay or hinder any vessel from entering the same, or shall ask or receive more toll or dockage than is by this Act allowed, the said Corporation shall forfeit and pay a sum not exceeding *five hundred dollars* nor less than *fifty dollars*, to be recovered by any person so delayed or defrauded, before any Court in the county of *Essex* proper to try the same, in a special action on the case; the writ in which case shall be served on the said Corporation by leaving an attested copy thereof with the Clerk, Treasurer, or any individual member of the said Corporation, fourteen days at least before the return day of said writ; and the said Clerk, Treasurer, or individual member, shall be allowed to defend the said suit in behalf of the said Corporation.

Penalty for de-
laying vessels,
or exacting il-
legal toll.

SECT. 4. *Be it further enacted*, That nothing in this Act shall be so construed as to subject any schooner or other fishing vessel, which shall make said dock a place of safety for and during the usual time not employed in the fishery in the winter season, to any toll or dockage as aforesaid, but the owner or owners of such vessel or vessels shall severally pay *eighteen dollars*, in lieu of toll or dockage, during the said term, to commence at the usual season when fishing vessels are laid up for the winter, which term shall continue to the middle of *March*; and after the expiration of said term, such vessels shall be subjected to the same toll or dockage as other vessels.

Dockage for
fishing vessels.

SECT. 5. *Be it further enacted*, That said Corporation may purchase and hold any land or flats which may impede the prosecution of their said plan, paying to the person holding the same, such damages as shall arise from taking the same, which damages shall be estimated, as in cases of turnpike roads,

Lands may be
taken & held.

roads, where the same cannot be obtained by voluntary agreement : And whenever the rights and privileges of any person or persons may be affected by the making of said dock, the damages arising therefrom shall be estimated by a Committee appointed by the Court of Common Pleas for the county of *Essex*, saving to either party the right of trial by Jury, according to the law which makes provision for the recovery of damages happening to individuals by the laying out of highways.

Marblehead allowed to take clay and gravel from the flats.

SECT. 6. *Be it further enacted*, That in consideration of the town of *Marblehead* having relinquished all their right, title and interest, in and to the premises aforesaid, the said town shall be, and hereby are allowed, by their surveyor of highways, and as by him shall be thought expedient, annually to take from the flats aforesaid, clay and gravel, for the repairs of the highways in said town, in as full and ample a manner as though this Act had never been passed : *Provided* the same be done in such a manner as shall do no injury to the said Corporation.

First meeting how to be called. Officers to be chosen.

SECT. 7. *Be it further enacted*, That *Thomas Elkins*, before named, be, and he is hereby authorized to call the first meeting of the said Corporation, by publishing a notification thereof in one or more of the newspapers printed in *Salem*, ten days prior to said meeting ; at which meeting the said Corporation may choose seven Directors, who are hereby authorized to appoint a Clerk, Treasurer, Dock-master, and such other officers as they may think expedient for regulating the concerns thereof ; and may also then and there agree upon a method for calling future meetings : And such elections, and all other questions, shall be determined by a majority of votes, reckoning one vote to each share : *Provided*, That no Proprietor shall have more than ten votes : And shares in the said Corporation shall be taken, deemed and considered to be personal estate to all intents and purposes : And the said shares shall and may be transferable, and the mode of transferring said shares shall be by deed, acknowledged before any Justice of the Peace, and recorded by the Clerk of the Corporation in a book to be kept for that purpose.

Corporation may be dissolved when indemnified.

SECT. 8. *Be it further enacted*, That the Legislature may dissolve the said Corporation, whenever it shall appear to their satisfaction, that the income arising from said toll or dockage shall have fully compensated the said Corporation for all their expenses in purchasing, making, and keeping in repair the said dock, together with an interest thereon at the rate of twelve *per centum per annum* ; and thereupon the property of the said dock, shall be vested in the said town of *Marblehead*, and be at their disposal, under the provisions and regulations of this Act : *Provided*, That if the said Corporation shall neglect,

lect, for the space of three years, to make the said improvements in the said *Little Harbour*, and complete the same for a dock as aforesaid, then this Act shall be null and void.

SECT. 9. *Be it further enacted*, That as soon as may be after the said dock shall be finished, the said Corporation shall deposit in the Secretary's Office an account of all the expenses thereof; and shall also annually exhibit to the Governor and Council an account of the income or dividend arising from the said dockage, with the necessary annual disbursements for repairs; and the books of the Corporation shall at all times be subject to the examination of a Committee of the General Court, and also of the Governor and Council when called for.

Statement of
expenses, &c.
&c. to be ex-
hibited.

SECT. 10. *Be it further enacted*, That the stock or property in the said dock shall be held in shares, not exceeding one hundred and fifty, and shall be numbered in progressive order, beginning at number one, and every original holder shall receive a certificate under the seal of the said Corporation and signed by the Treasurer and Clerk, certifying his property in such share as shall be expressed in said certificate: *Provided always*, That nothing in this Act contained shall be construed or operate to prevent the owner of *Gerry's Island*, his heirs, associates or assigns, from retaining the same, or from adopting and carrying into effect a plan for docking vessels to the southward and eastward of the bar leading to his island, and claimed as his property, and for constructing on the southern side of said bar, piers, wharves, stores and other accommodations, for his and their use and benefit forever, in as full a manner as he would have had if this Act had never passed.

Number of
shares.

Proviso re-
specting the
owner of Ger-
ry's Island.

[This Act passed June 14, 1805.]

An ACT to incorporate certain Persons into a Company by the Name of *The South-Boston Association*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *William Tudor, Jonathan Mason, Harrison Gray Otis, Gardner Green, Gardner L. Chandler, and John Smith*, being Proprietors of a part of a tract of land in the town of *Boston*, formerly belonging to the town of *Dorchester*, called *Nook Hill*, together with such of the Proprietors of the residue of the said tract called *Nook Hill*, as may hereafter associate with them, and their successors and assigns, being citizens of the United States, shall be, and hereby are constituted a Body Politic and Corporate, by the name of the *South-Boston Association*, for the term of ten years and no longer; and the said Corporation by the said name are hereby declared and made capable in law to sue and be sued, to implead and be impleaded,

General pow-
ers.

ed, to have a common seal, and alter and renew the same at pleasure, and to make rules and by-laws for the management and regulation of said estate, consistent with the laws of the Commonwealth, and generally to do and execute whatever by-law appertains to Bodies Politic.

SECT. 2. *Be it further enacted*, That the said Corporation be capable to have, hold and possess such part of the said tract of land as may belong to the said Proprietors named in this Act, and of any others who may associate with them, and shall have power to make streets through the same, and divide it into lots, and to build walls to protect the same from the sea, and to erect buildings thereon; and the said corporate property, or any part thereof, to grant, sell, and alien in fee simple, or otherwise; and to lease, exchange, manage and improve the same, according to the will and pleasure of the Proprietors, or the major part of them, present at any legal meeting, to be expressed by their votes.

Allowed to
hold land,
make streets,
&c.

SECT. 3. *Be it further enacted*, That said Proprietors may, at any legal meeting, agree upon the number of shares into which said estate shall be divided, not exceeding five hundred, and upon the form of certificates to be given to individuals, of the number of shares by them respectively held, and upon the mode and conditions of transferring the same, which shares shall be held and considered as personal estate, in the same manner that shares in turnpike, bridge, and canal companies are by law held and considered; the said Proprietors shall also have power to assess upon each share such sums of money as may be deemed necessary for laying out, dividing, erecting walls and buildings, and generally for the improvement and good management of their said estate, agreeably to the true intent of this Act, and to sell and dispose of the share or shares of any delinquent Proprietor, for the payment of assessments, in such way and manner as said Corporation may, by their rules and regulations, determine and agree upon: *Provided however*, That the value of buildings, which may be owned by the said Corporation at any one time, shall not exceed thirty thousand dollars in value, exclusive of such as may be taken as security for debts.

Property to be
divided into
shares, & held
as personal es-
tate.

SECT. 4. *Be it further enacted*, That the property of every individual member of said Corporation, vested in said corporate fund or estate, shall be liable to attachment, and to the payment of his just debts, in manner following, viz. In addition to the summons by law prescribed to be left with the debtor, a like summons shall be left with the Secretary or Clerk of said Corporation; and the debtor's share or shares in the corporate funds shall be held thereby to respond said suit, according to law, all transfers of the debtor's shares, in the said corporate funds, not noted in the books of the Corporation previously to the delivery of such summons, shall be barred thereby; and execution

Shares liable to
attachment.

execution may be levied on the property of any Stockholder in the said Corporation, and his shares therein exposed to sale, in the same manner as is by law provided when personal estate is taken in execution : And it shall be the duty of the officer, who extends such execution, to leave an attested copy thereof, with his doings thereon, with the Clerk or Secretary of said Corporation, and the purchaser shall thereupon be entitled to the reception of all dividends and stock, and to the same privileges as a member of said Corporation, that the debtor was previously entitled to, and to none other : And it shall be the duty of the Secretary or Clerk to expose the books of the Corporation to the officer, so far as respects the number of shares said debtor may own, and to furnish him with an official certificate of the number of shares owned by said debtor.

SECT. 5. *Be it further enacted*, That any two of the Proprietors may call the first meeting, by advertising the same in any one of the public newspapers printed in *Dorset*, at least three days before the time of meeting, and at that or any other meeting, may elect a Moderator, Treasurer, Clerk, or other officers, and for such term of time, not exceeding one year, as they may judge fit, and the same at pleasure change or remove; and in the choice of officers, or on any other occasion when it shall be required by a majority in value of the members present, the votes shall be given by shares, allowing one vote to each share, *provided* only that no member shall have more than ten votes.

First meeting
how to be called.

SECT. 6. *Be it further enacted*, That nothing herein contained shall be deemed or construed to affect the right or estate of any Proprietor of the said tract who may not associate and become a member of the Corporation : And at the expiration of said term of ten years, all real estate then belonging to the said Corporation shall be vested in such persons as may then be members thereof, and their respective heirs and assigns as tenants in common, in proportion and according to the number of shares which they may then hold : *Provided always*, That the said Proprietors shall have power, after the expiration of said term, to sue for and recover and divide, in their corporate capacity, all debts which may then be unpaid.

The rights of
persons who do
not associate
not to be affected.

[This Act passed June 14, 1805.]

An ACT to set off *William Parker, jun.* from the First, and annex him to the Third Parish in *Reading*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *William Parker, jun.* of *Reading*, in the county of *Middlesex*,

delex, with his polls, and that part of his estate which lies within the line of the third parish, be, and hereby is set off from the first and annexed to the third parish in *Reading*: Provided the said *Parker* shall previously pay his proportion of taxes assessed upon him, and due to the said first parish prior to the date of this Act.

[This Act passed June 15, 1805.]

An ACT to incorporate the Plantation called *Bostwick*, in the County of *Oxford*, into a Town by the Name of *Newry*.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the plantation heretofore called *Bostwick*, in the county of *Oxford*, as described within the following boundaries, with the inhabitants thereon, be, and they are hereby incorporated into a town by the name of *Newry*, viz. Beginning at the northerly corner of a tract of land sold to *Phinebas Howard*, and on the westerly line of *New-Pennacook*, (now *Rumford*;) thence running north nineteen degrees west on said line, two miles and two hundred and ninety-eight rods, to *East-Andover*; then south, seventy-one degrees west, by said *East-Andover* and land sold to *Silas Hall* and others, four miles and two hundred and thirty-five rods to a stake; then north, nineteen degrees west, three miles and two hundred rods, to the south-easterly corner of the township called *A...Number Two*; then south, eighty-nine degrees west, by the southerly line of the township last mentioned, two miles and about sixty rods, to the north-easterly corner of the township called *A...Number One*; then south, eight degrees west, by the township last mentioned, six miles and about two hundred and eighty rods, to the north-easterly corner of *Peabody's Patent*, (now *Gilead*;) then south nineteen degrees east by said *Gilead*, to *Sudbury Canada*, (now *Bethel*;) thence easterly by said *Bethel*, and the land sold to the said *Howard*, to the place of beginning: And the said town of *Newry* is hereby vested with all the powers, privileges, rights, and immunities, and subject to all the duties and requisitions to which other towns are entitled and subjected by the Constitution and laws of this Commonwealth.

Boundaries.

SECT. 2. *Be* it further enacted, That either of the Justices of the Peace for the said county of *Oxford*, be, and he is hereby authorized to issue his warrant, directed to some suitable inhabitant of the said town of *Newry*, requiring him to notify and warn the inhabitants of said town to meet at such convenient time and place as shall be appointed in said warrant, to choose

First meeting.

choose such officers as towns within this Commonwealth are by law required to choose in the months of *March* or *April* annually.

[This Act passed June 15, 1805.]

An ACT to establish *The Middlesex Turnpike Corporation.*

WHEREAS a turnpike road from *Tyngsborough* meeting-house, to a point in *Bedford*, equally well situated for the accommodation of travellers to *Charles River* and *West-Boston Bridges*, and there dividing and going from thence to each of the aforesaid Bridges, would be of great public convenience and utility :

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Samuel Swan, jun. Perkins Nichols, Royal Makepeace, Ebenezer Bridge, William Whittemore, jun. and James Abbot, and all others who are or may hereafter become Proprietors, and their associates and successors, be, and they hereby are incorporated and made a Body Politic, by the name of the Middlesex Turnpike Corporation ; and by that name may sue and be sued to final judgment and execution, and do and suffer all other things which Bodies Politic may or ought to do and suffer : And said Corporation shall have full power and authority to make and use a common seal, and the same to break, alter and renew at pleasure, and shall have full power and authority to make, lay out, and keep in repair, a turnpike road as aforesaid : Beginning at Tyngsborough meeting-house ; and from thence running in the most direct practicable line to Chelmsford meeting-house ; and from thence, in a like direct line, to Billerica meeting-house ; and from thence in the nearest practicable line to the point aforesaid, in Bedford, at a stake in land of Abel Wyman, about twelve miles and one-hundred and twenty rods from Boston ; and from thence to extend a branch of said road on a line as straight as is practicable, to Symmes's Corner, so called, in Medford ; and from thence, in the most convenient route, to the street in Medford village, near the south-west corner of the garden lately belonging to the Hon. John C. Jones. The other branch to commence at the said point or stake, and run on as near a straight line as is practicable to the rocks (so called) in Cambridge ; from thence to continue on the old road to a point near and between the houses of Stephen Goddard and Walter Frost ; and from thence in nearly a straight line to the Cambridge and Concord turnpike road, at the westerly part of said road, which is laid out one hundred feet wide near West-Boston Bridge, which road shall be laid out four rods wide, and the travelling path not less than twenty-four feet wide : Pro-*

Preamble.

General powers.

First branch.

Second branch.

Provided

vided however, That an equal sum shall be expended by the Corporation on each branch thereof.

Corporation to
enjoy the usual
privileges, &c.
&c.

SECT. 2. *Be it further enacted*, That the said Corporation shall be entitled to all and singular the powers, provisions, limitations and restrictions, which are particularly delineated for the government and organization of Turnpike Corporations, in an Act, entitled, "An Act defining the general powers and duties of Turnpike Corporations, passed March the sixteenth, one thousand eight hundred and five."

[This Act passed June 15, 1805.]

An ACT to establish a Corporation by the Name of the *Andover and Medford Turnpike Corporation*.

Course of the
road.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Jonathan Porter, Joseph Hurd, Nathan Parker, Oliver Holden and Fitch Hall, together with such persons as may hereafter associate with them and their successors and assigns, shall be a Corporation by the name of the *Andover and Medford Turnpike Corporation*, for the purpose of making a turnpike road, from near the house of John Russell, in Andover, running by the east side of Martin's Pond, so called, on nearly a straight line to the house of Jeremiah Nichols, in Reading; thence to near the west parish meeting-house in Reading; thence on nearly a straight line to the house of David Hays, in Stoneham; thence by the west side of Spot Pond, so called, to the market place in Medford, on as straight a line as the ground will admit of: And for this purpose shall have all the powers and privileges, and be subject to all the duties, requirements and penalties contained in an Act, entitled, "An Act defining the general powers and duties of Turnpike Corporations," passed the sixteenth day of March, A.D. 1805.

[This Act passed June 15, 1805.]

An ACT to incorporate the Inhabitants of *Barnardstone's Grant* and a Part of *Bullock's Grant*, in the County of *Berkshire*, into a Town by the Name of *Florida*.

Boundaries.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the following described tract of land, viz. Beginning at the south-west corner of *Barnardstone's Grant*; at the north-west corner of *Savoy*; running thence an eastwardly course on the line of said *Savoy*, to the north-east corner of said *Savoy*; thence a north course to *Deerfield River*; thence

thence up the said *Deerfield River* northwardly, so far that a line drawn a due west course, will strike the north-east corner of said *Barnardstone's Grant*; thence a westerly course on the north line of said *Barnardstone's Grant* to the east line of *Adams*; thence a southwardly course in the said line of *Adams*, to the north-west corner of *Savoy*, first mentioned, together with the inhabitants thereon, be, and they are hereby incorporated into a town by the name of *Florida*; and the said town is hereby invested with all the powers, privileges and immunities which other towns in this Commonwealth do or may enjoy by law.

SECT. 2. *Be it further enacted*, That *Israel Jones, Esq.* be, and he hereby is empowered and required to issue his warrant to some suitable inhabitant of the said town of *Florida*, requiring him to warn the qualified inhabitants thereof to meet at some convenient time and place, to choose such officers as towns are by law required to choose in the month of *March* or *April* annually.

First meeting.

[This Act passed *June 15, 1805.*]

An ACT to establish a Corporation by the Name of
The Worcester and Fitzwilliam Turnpike Corporation.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Lemuel Abbot, Joseph Allen, Edward Bangs, Elisba Andrews, Silas Cutler, Moses Clark, Abiel Alger, Phineas Read, John McClanathan, Lockart Smith, and Isaiah Thomas*, together with such others as have, or may hereafter associate with them, their successors and assigns, be, and they hereby are made a Corporation, by the name of *The Worcester and Fitzwilliam Turnpike Corporation*, for the purpose of laying out and making a turnpike road, from the Court-house in the town of *Worcester*, to the meeting-house in *Holden*; from thence to the meeting-house in *Hubbardston*; from thence to *Holman's Road*, so called, near the house of *Samuel Cook*, in *Templeton*; from thence to or near the bridge, which is near *Baldwin's Mills* in said *Templeton*; and from thence to the State line of *New Hampshire*, near *Grave's Mills* in the town of *Fitzwilliam*; and for this purpose shall have all the powers and privileges, and be subject to all the duties, requirements and penalties contained in an Act, entitled, "An Act defining the general powers and duties of Turnpike Corporations," passed the sixteenth day of *March*, A. D. 1805.

Course of the road.

[This Act passed *June 15, 1805.*]

An

An ACT in addition to an Act, entitled, "An Act to establish a Corporation by the Name of *The Union Turnpike Corporation*."

Preamble.

WHEREAS no provision is made in said Act whereby the Courts of General Sessions of the Peace of the several counties through which said road shall pass, may authorize the Committee whom they shall appoint to lay out said road, to estimate the damages which individuals, through whose land said road shall pass, may sustain, or to appoint a Committee for that purpose on applications of the Proprietors of said road, but only on application of the individual who may sustain such damage, whereby the said Corporation is subjected to great delay and expense: Wherefore,

Courts of Sessions authorized.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Courts of General Sessions of the Peace of the several counties through which said road shall pass, be, and they are hereby authorized to empower the Committee whom they may appoint to lay out said road, agreeably to said Act of incorporation, to estimate the damages which the several individuals through whose land said road shall pass, may sustain, saving to each individual, and to the Corporation, the right of having such damage estimated by a Jury, as is provided for by said Act of incorporation.

[This Act passed June 15, 1805.]

An ACT declaring and confirming the Incorporation of the Proprietors of the Meeting-House in *Federal Street*, in the Town of *Boston*.

Incorporating clause.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all persons who now are, or who may hereafter be the Proprietors of the pews in the Congregational meeting-house situate in Federal Street, in the town of Boston, be, and they are hereby declared and confirmed to be a Body Politic and Corporate, by the name of The Proprietors of the Meeting-House in Federal Street in the Town of Boston; and the said Corporation shall be, and hereby are deemed in law to be seized of the same meeting-house, with all the lands under, adjoining and belonging to the same, with the privileges and appurtenances, including the dwelling-house recently erected on the land appurtenant to said meeting-house, for the accommodation of the Minister of that Society, reserving however,*

to the several Proprietors of the pews in said meeting-house, their right to and interest in the said pews respectively.

SECT. 2. *Be it further enacted*, That the said Proprietors shall meet annually on the first Wednesday in *May* at the said meeting-house, or at such other place as their Committee may appoint, and at such other times as they may be duly notified for, in manner hereafter mentioned; and at said annual meeting, after having chosen a Moderator, shall choose a Clerk, Treasurer, and a Committee of seven persons, who shall all continue in office during the year, and until others are chosen in their room: *Provided however*, if, for any cause, the said annual meeting should not be holden, then the said officers may be chosen at any other meeting duly notified for that purpose.

Annual meeting, and officers to be chosen.

SECT. 3. *Be it further enacted*, That the said Clerk shall be sworn to the faithful discharge of the duties of his office, and it shall be his duty to record all the votes, and all the proceedings of the said Proprietors, and of the said Committee, in separate books, to be kept by him for that purpose; and the said Committee, or a major part of them, shall have full power to manage all the prudential affairs of the said Proprietors, in the same, and in as ample a manner as Parish Committees are authorized by law to manage the prudential affairs of parishes, and to notify any Proprietors' meeting, by posting up a notification at the door of said meeting-house, seven days at least before the time of holding the same.

Clerk to be sworn.

Committee to manage prudential affairs.

SECT. 4. *Be it further enacted*, That the said Proprietors shall be entitled to all the privileges they have heretofore in fact enjoyed, and shall be bound by all the contracts, they have heretofore in fact entered into, as well with their present Minister as with others, and be subject to all the duties they have heretofore been subject to; and the said Proprietors are also empowered, from time to time, to make such further contracts, and raise such sums of money, annually, as they shall judge necessary, for the maintenance and support of the public worship of God, for the repairs or alterations of said meeting-house, and making any reasonable addition to the salary of their present or any future Minister, and for other parochial and incidental charges, including any sums that may be due for the completion of the ministerial house lately erected by the said Proprietors, on the lot adjoining said meeting-house, for the accommodation of their Minister; and all monies, so raised by the said Proprietors, shall be paid annually, or by instalments, at such times and in such proportions as said Proprietors shall direct.

Proprietors to enjoy privileges, fulfil contracts, form new contracts, &c.

SECT. 5. *Be it further enacted*, That all monies raised by the said Proprietors for the purposes aforesaid, shall be assessed by the said Committee, or by the major part of them, upon the

Mode of assessment, pews liable to be taken and sold, &c

several

Several Proprietors of the pews in said meeting-house, according to the relative value of said pews, regard being had to their situation and convenience; and the pews in said house shall be held liable to be taken and sold, for the payment of all assessments duly made as aforesaid, and for the discharge of all expenses incurred by such sale, in such manner, and on such contingencies and conditions as have been, or may be agreed upon by the said Proprietors, and which are, or shall be, summarily expressed and contained in the deed or conveyance of the pews; and the assessments made as aforesaid, shall be considered as a lien upon the pews in said meeting-house; and a bill of each Proprietor's assessment, and of the time or times of payment, shall be left in his pew, of which fact, the oath of the Treasurer, or of the person by him employed for that purpose, shall be sufficient evidence.

SECT. 6. *Be it further enacted*, That if any of the officers chosen by said Proprietors shall die or resign, during the year for which they may be chosen, other persons may be elected in their room, for the remainder of the year, at any meeting of the Proprietors, to be notified by a major part of the Committee; but in all cases where there may be but one of the Committee in office, he shall have sufficient authority to call any meeting of the Proprietors.

SECT. 7. *Be it further enacted*, That Henry Hunter and Francis Wright, or either of them, may cause the first meeting of said Proprietors to be called, for the purpose of choosing the officers of said Proprietors for the year ensuing, and for any other purpose specified in a notification by them to be posted up at the door of said meeting-house, giving notice of the time and place of said meeting, at which meeting the said Proprietors may agree on the mode of notifying future meetings.

[This Act passed June 15, 1805.]

An ACT to alter the Names of certain Persons therein mentioned.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing this Act, James Bowdoin Temple, of Boston, in the county of Suffolk, gentleman, shall be allowed to take the name of James Temple Bowdoin; that Samuel Bass Wales, of Randolph, in the county of Norfolk, a minor, shall be allowed to take the name of Ephraim Wales; that John Allen the 4th, of Salem, in the county of Essex, shall be allowed to take the name of John Woodbury Allen; that George Smith, of Salem, in the county of Essex, housewright, and son of Isaac Smith, of Rowley, in said county, shall be allowed

allowed to take the name of *George Hibbert Smith*; that *William Hobby, jun.* of *Portland*, in the county of *Cumberland*, shall be allowed to take the name of *William Gardner Hobby*; that *John Rogers*, of *Charlestown*, in the county of *Middlesex*, married, shall be allowed to take the name of *John Weston Rogers*; And said persons in future shall be respectively known and called by the names, which they are respectively allowed to take as aforesaid, and the same shall hereafter be considered as their only proper names to all intents and purposes.

[This Act passed June 15, 1805.]

An ACT to incorporate a Number of the Inhabitants of the Town of *Bethel*, Town of *Newry*, and Plantation of *Howard's Gore*, (so called,) in the County of *Oxford*, into a Religious Society, by the Name of *The First Baptist Society in Bethel*.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Asa Kimball*, *John Killgore, jun.* *Stephen Eastes*, *Ithiel Smith, jun.* *John Killgore*, *Samuel Ayer*, *Ephraim Powers*, *Samuel Coffin*, *Joseph Ayer*, *Jonathan Smith*, *Samuel Killgore*, *Daniel Bean*, *Ebenezer Bean*, *Moses Mason*, *Thomas Stearns*, *Asa Foster*, *Jonathan Clark*, *William Russell*, *Isaac Tordre*, *Napthali Coffin*, *Jesse Bean*, *David Coffin*, *Walter Mason*, *Paul Morse*, *Joseph Farrar*, *Betsy Clark*, and *Enoch Bartlett*, with their families and estates, be, and they are hereby incorporated into a religious Society, by the name of *The First Baptist Society in Bethel*, with all the powers, privileges and immunities to which parishes are entitled by the Constitution and laws of this Commonwealth: *Provided*, That all such persons shall be holden to pay their proportion of all monies assessed in the towns and plantation aforesaid, for parochial purposes, prior to the passing of this Act.

Names of persons incorporated.

Proviso.

SECT. 2. *BE* it further enacted, That any person belonging to the said town of *Bethel*, *Newry*, or plantation of *Howard's Gore* aforesaid, being of the Baptist denomination, who may, at any time hereafter, actually become a member of, and unite in religious worship with the said Society, and give in his or her name to the Clerk of the town, parish or plantation to which he or she belongs, with a certificate signed by the Minister or Clerk of said Society, that he or she has actually become a Member of, and united in religious worship with the aforesaid Baptist Society, fourteen days previous to the town, parish or plantation meeting therein, to be held in the month of *March* or *April*, shall, from and after giving in such certificate,

How to become a member.

certificate, with his or her polls and estates, be considered as part of said Society.

How to leave
said Society. SECT. 3. *Be it further enacted,* That if any member of said Baptist Society shall at any time see cause to leave the same, and unite in religious worship with the parish in which he or she may reside, and shall lodge a certificate of such his or her intention, with the Clerk or Minister of said Baptist Society, and also with the Clerk of the town, parish or plantation in which he or she may reside, fourteen days at least before the annual town, parish or plantation meeting, to be held therein in the month of *March* or *April*, and shall pay his or her proportion of all money assessed on said Society previous thereto, such person shall, from and after giving such certificate, with his or her polls and estates, be considered as belonging to the town or parish in which he or she may reside, in the same manner as if he or she had never belonged to said Baptist Society.

First meeting. SECT. 4. *Be it further enacted,* That any Justice of the Peace in the said county of *Oxford*, is hereby authorized to issue his warrant, directed to some suitable member of said Baptist Society, requiring him to notify and warn the members thereof to meet at such time and place as shall be appointed in said warrant, to choose such officers as parishes in this Commonwealth are by law authorized to choose in the month of *March* or *April* annually.

[This Act passed *June 15, 1805.*]

An ACT to incorporate a Number of the Inhabitants of the Town of *Bristol*, in the County of *Lincoln*, into a Religious Society, by the Name of *The First Congregational Society in Bristol*.

Names of persons incorporated. SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *William Atkins, Joseph Bailey, Ebenezer Bearce, John Bearce, Aaron Blaney, jun. Samuel Boyd, John Boyd, David Burr, Thomas Calderwood, James Carlisle, Arthur Child, Hannah Child, Mary Child, William Chamberlain, Samuel Clark, Joseph Clark, Nathaniel Church, Thomas Clough, James Curtice, Samuel Doe, James Drummond, James Drummond, jun. Timothy Fitch, John Fitch, Alexander Fosssett, John Fosssett, William Fosssett, Henry Fosssett, Henry Fosssett, jun. William Greenlaw, Amos Goudy, Hervey Hall, Richard Hiscock, James Hiscock, Marius Howe, Zebulon Howland, George Howland, Elisba Hatch, jun. John Hassley, Joshua House, Henry Hunter, Thomas Hunter, William Hunter, John Huston, John Huston, 2d. John Huston, 3d. William Huston, William Huston, 2d. William Huston, 3d.* Robert

bert Huston, Robert Huston, jun. Robert Huston, 3d. Thomas Huston, James Huston, David Hutchins, Thomas Hutchins, William Johnson, James Jones, William Kelsey, James Kelsey, James Laughton, Hugh Little, John Mears, Thomas Miller, James Morton, jun. Ephraim McMichael, John McKown, John Nickels, William Nickels, David Ordway, William Page, George Page, Hugh Paul, James Paul, Bedford Plummer, William Russell, William Russell, jun. George Sproule, Robert Sproule, William Sproule, Robert Thompson, John Tomlinson, Gershom Wentworth, Samuel Wentworth, John Wentworth, Samuel Woodward, James Woodward; and James Wyllie, with their families and estates, together with such others as may hereafter associate with them and their successors, be, and they are hereby incorporated into a Society, by the name of *The First Congregational Society in Bristol*, in the county of *Lincoln*, with all the powers, privileges, rights and immunities to which other parishes are entitled by the Constitution and laws of this Commonwealth.

SECT. 2. *And be it further enacted*, That any person in the said town of *Bristol*, who may be desirous of becoming a member of the said First Congregational Society, and shall declare such intention in writing, given in to the Clerk of the said First Society, fifteen days previous to the annual parish meeting, and shall receive a certificate, signed by the said Clerk, or the Minister of the said Society, that he or she has actually become a member of, and united in religious worship with the said First Society in *Bristol*, such person shall, from the date of such certificate, be considered, with his or her polls and estate, as a member of said Society.

How to become a member.

SECT. 3. *Be it further enacted*, That when any member of the said First Society in *Bristol* shall see cause to leave the same, and to unite in religious worship with any other religious Society in the said town, and shall give notice of such intention to the Clerk of the said First Society, and shall also give in his or her name to the Clerk of such other Society, fifteen days previous to the annual meeting of said Society, and shall have received a certificate of membership signed by the Minister or Clerk of said Society, such person shall, from the date of such certificate, with his or her polls and estate, be considered as a member of said Society: *Provided however*, That every such person shall always be held to pay his or her proportion of all parish charges in the Society to which such person belonged, assessed, and not paid previous to the leaving said Society.

How to leave the Society.

SECT. 4. *Be it further enacted*, That either of the Justices of the Peace for the county of *Lincoln*, upon application therefor, is hereby authorized to issue his warrant directed to some member of the said First Congregational Society, requiring him to notify and warn the members thereof to meet at such convenient

First meeting.

convenient time and place as shall be appointed in said warrant, to choose such officers as parishes are by law empowered and required to choose at their annual meetings.

[This Act passed June 15, 1805.]

An ACT to incorporate *Royal Makepeace*, and others, into a Society, for the Purpose of building a Meeting-House, and supporting public Worship therein, in the easterly Part of Cambridge.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Royal Makepeace, John Cook, Josiah Mason, jun. Daniel Mason, and Andrew Boardman, and their associates, and their successors, be, and they hereby are constituted and made a Corporation, and Body Politic, by the name of The Cambridge-Port Meeting-House Corporation, and shall by that name sue and be sued, and shall have a common seal, and also may ordain and establish, and put in execution such by-laws and regulations, as to them shall seem necessary and convenient for the government of said Corporation: Provided, such by-laws and regulations shall be in no wise contrary to the laws and Constitution of this Commonwealth: And may hold and purchase land for the erection of a house for public worship thereon, and may purchase and hold real and personal estate, the annual income of which shall not exceed the sum of two thousand dollars, for the purpose of building a meeting-house, and supporting public worship therein.*

General pow-
ers.

Land may be
held.

SECT. 2. *Be it further enacted, That the shares in said Corporation shall not exceed one hundred in number, and shall be considered as personal estate: Provided always, That the certificates and transfers of the same, shall be recorded in the registry of deeds for the county of Middlesex.*

Shares.

SECT. 3. *Be it further enacted, That whenever any Proprietor shall neglect or refuse to pay any tax or assessment duly voted for the purposes of this Corporation, and agreed upon by said Corporation, to the Treasurer thereof, within thirty days after the same shall be made payable, the said Treasurer is hereby authorized to sell at public vendue the share or shares of such delinquent Proprietor to defray said tax and necessary charges, after publishing notice in one of the new papers printed in *Plymouth*, of the sum due on such share or shares, and of the time and place of sale, at least thirty days previous to such sale, and a certificate of the same sale under the hand of the President and Clerk of the Corporation, shall transfer and vest all the right, title and interest of the delinquent in the share or shares thus sold to and in the purchaser; and*

Shares of delin-
quents to be
sold.

and if the same share or shares thus sold, shall sell for more than the taxes and assessments thereon due, the overplus shall be paid over to said delinquent by the Treasurer on demand.

SECT. 4. *Be it further enacted*, That each Proprietor, or his agent duly authorized in writing, shall have a right to vote in all meetings of said Corporation, and be entitled to as many votes as he holds shares: *Provided*, That no person shall be entitled to more than ten votes.

Right to vote.

SECT. 5. *Be it further enacted*, That a meeting of said Corporation shall be holden at the house of *Josiah Mason, jun.* innholder in said *Cambridge*, on the twenty-fifth of *June* instant, for the purpose of choosing a President, Treasurer and Clerk, and such other officers as shall be deemed necessary, and also to agree upon a mode of calling meetings of said Corporation in future.

First meeting.

SECT. 6. *Be it further enacted*, That the several officers of said Corporation shall be chosen annually, by a majority of votes given in at the time of the election, and that the day of the annual election shall be established at the first meeting of said Corporation.

Officers to be chosen annually.

SECT. 7. *And be it further enacted*, That the President and Clerk of said Corporation shall sign the certificates of the shares of the Proprietors in this Corporation.

President and clerk to sign certificates.

SECT. 8. *Be it further enacted*, That the Clerk of said Corporation, before he enters upon the duties of his office, shall be sworn to the faithful discharge of the same.

Clerk to be sworn.

[This Act passed June 15, 1805.]

An ACT in addition to an Act, entitled, "An Act to establish *The Blue-Hill Turnpike Corporation*."

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Proprietors of *The Blue-Hill Turnpike Corporation* be, and hereby are authorized and empowered to alter the course of a part of said turnpike road in *Milton*, and instead of laying out and making the same from an apple tree, in the land of *Ezra Cotts* in said *Milton*, to the house of *Joseph Babcock*, to lay out and make the said turnpike road from said apple tree, to or near to the guide post in *Milton*, at *Swift's Corner*, so called, near to the house of *John Swift*, in *Milton*.

New course.

SECT. 2. *Be it further enacted*, That the Committee already appointed by the Court of General Sessions of the Peace to lay out said turnpike road, and to estimate the damage that may be done to persons over whose land the same may pass, be, and hereby are authorized and empowered to lay out said road in the

Committee authorized.

the direction last mentioned, and to estimate the damage that may be done to any person over whose land the same may pass, in the same manner as they are authorized by the Act to which this is in addition.

Toll for man
and horse. SECT. 3. *Be it further enacted*, That said Corporation be, and hereby are authorized and empowered to demand and receive for every person and horse that may pass the gate on said turnpike road, *five cents*.

[This Act passed June 15, 1805.]

A P P E N D I X.

Containing such Private and Special Statutes, passed before the Year 1780, as are referred to in Acts passed since, and including several Temporary Acts made perpetual March 7, 1797.

An ACT for erecting the Society and Parish of *Natick* into a separate District by the Name of *Natick*.*

WHEREAS the Society and Parish of *Natick*, so called, within the county of *Middlesex*, labour under many and great difficulties, by reason of their not being erected into a distinct and separate District: Therefore,

SECT. 1. *Be it enacted by the Governor, Council, and House of Representatives*, That the Society and Parish of *Natick* be, and hereby is erected into a District by the name of *Natick*, according to the boundaries of the said Parish, and that the inhabitants of the said Society and Parish be, and hereby are invested with all the privileges, powers and immunities that Districts are invested with, agreeable to an Act made and passed in the first year of his Majesty's reign, intituled "An Act for the better regulating Districts within this Province:" Provided, That the present meeting-house shall not be removed nor any new meeting-house erected within the same without the special license of this Court.

SECT. 2. *And be it further enacted by the Governor, Council and House of Representatives*, That the votes of the said Parish of *Natick*, on the eighteenth day of January last, be, and hereby are ratified and confirmed.

[This Act passed February 23, 1762.]

An ACT for regulating the Grammar School in *Ipswich*, in the County of *Essex*, and for incorporating certain Persons to manage and direct the same.†

WHEREAS divers piously disposed persons in the first settlement of the town of *Ipswich*, in the county of *Essex*, granted and conveyed to Feoffees in trust, and to such their successors in the same trust as those Feoffees should appoint, to hold perpetual succession certain lands, tenements and annuities by them mentioned, for the use of school learning in the said town forever; of which Feoffees *John Choate, Samuel Rogers, Aaron Potter and Francis Choate, Esqrs.* are the only survivors.

And whereas the said town of *Ipswich*, did also in their laudable concern for promoting learning, about the same time, and for the same uses, give and grant to certain persons in their grants mentioned, and to such others as the said town should appoint, a large farm, then called a neck of land situate in *Chebacco*, in the said *Ipswich*, with some other lands, the rents of which to be applied to the use of learning in said town as aforesaid; but (as is apprehended) no power was given by the said town to their Trustees to appoint successors in that trust, for receiving and applying the rents, or of ordering and directing the affairs of the school in said town, as in the first mentioned case is provided: From which difference in the original constitution of those grants, which were all designed for one and the same use, disputes have heretofore arisen between the said town and the said Feoffees; and also some doubts have arisen whether by the constitution of those grants as aforesaid, it is in the power, either of the said town or Feoffees to compel the payment of the rents of said farm, and other lands granted by said town, as beforementioned.

And

* See Vol. I. page 3.

† See Vol. I. p. 145.

And whereas for the removal of the aforesaid difficulties, on the joint application of both said town and the then Feoffees, this Court did in the twenty-ninth year of his late Majesty King George the second, by one Act then passed, entitled, "An Act for regulating the Grammar School in Ipswich, and for incorporating certain Persons to manage and direct the same," empower the then surviving Feoffees, with three successors, together with part of the Selectmen of said town for the time being, as an Incorporated Body, to manage and direct the affairs of said school for ten years then next coming, in manner as in said Act is expressed, which ten years will expire on the first day of March next.

And whereas it has been found by experience, that the said Act has been of great advantage to the interest of learning in said town, and that all doubts and disputes aforementioned from the passing of said Act have ceased, and the parties concerned have desired the continuance of the aid of this Court touching the premises: Wherefore,

Feoffees of Ipswich School appointed.

Their power.

SECT. 1. *Be it enacted by the Governor, Council and House of Representatives,* That from and after the first day of March next, the aforementioned John Choate, Samuel Rogers, Aaron Potter and Francis Choate, Esqrs. the present surviving Feoffees, on the part of the private persons granting lands as aforesaid, together with Michael Farlow, Samuel Burnham and Samuel Lord, the 3d. three of the present Selectmen of the said town of Ipswich shall be, and they are hereby incorporated a joint Committee, or Feoffees in trust, with full power and authority by the whole, or the major part of them, to pass necessary leases of any of said lands, not prejudicial to any lease already made, and not exceeding the term of twenty one years at any one time: Also to demand and receive, all rents and annuities on such other grants or leases relative to said school, that now is, or that hereafter may be; and if need be, to sue for and recover the same, either by themselves, or by their Attorney; also to appoint a Clerk and Treasurer; also a Grammar Schoolmaster from year to year; and from time to time to agree with him and them for his and their salaries; and to apply the said rents, grants and annuities for the payment of his and their salaries, and for the discharge of other necessary expenses attending this affair, so far as those rents, grants and annuities will go; with a like power from time to time to inspect the said school and Master: And in general, to transact and order all matters and things relative to said school; and to all the lands, grants, rents and annuities that do now, or that may hereafter belong to said school, arising from the donations aforesaid, so as best to answer the general design and intent thereof; annually laying an account of their proceedings in this trust before the said town, at their March meeting, for their inspection.

And for the continuance of the succession of the aforementioned Committee or Feoffees:

Vacancies among the Feoffees, how to be filled up.

SECT. 2. *Be it further enacted,* That if either the said John Choate, Samuel Rogers, Aaron Potter or Francis Choate shall decess, or move out of the said town of Ipswich, or otherwise become incapable or unfit to discharge said trust, or unreasonably neglect to do it, it shall and may be lawful for the surviving and qualified remainder of those four persons, from time to time, to appoint some other suitable and qualified person or persons, in his or their room so decessing, removing or otherwise unqualified, or neglecting his or their duty as aforesaid; which power of appointment shall descend to those so appointed, so as always to have four of said Feoffees constituted in this way and no more: No person at any time to be appointed that is not an inhabitant of the said town of Ipswich: And the Selectmen aforesaid by this Act incorporated as aforesaid, shall from year to year be succeeded by the three eldest in that office of the Selectmen of that town, other than such of them as be also one of the Feoffees constituted as aforesaid: And in case it shall so happen at any time that there are not three Selectmen chosen by the said town who have served in that office before, then those first named in such choice shall succeed as aforesaid.

And for rendering the whole more effectual,

Feoffees may sue or be sued as such.

Limitation.

SECT. 3. *Be it further enacted,* That the aforesaid Committee or Feoffees in trust, may in all matters relative to said grammar school, in which they may by force of this Act be concerned, sue or be sued by the name of Feoffees of the Grammar School in the Town of Ipswich, in the county of Essex: And in this power their successors shall from time to time be included with respect to the transactions of those who may have preceded them in that trust: This Act to continue and be in force for the term of twenty-one years from the first day of March next, and no longer.

[This Act passed 1765—Made perpetual February 14, 1787.]

An ACT for dividing the Township of *Springfield*, and erecting the western Part thereof into a separate Town, by the Name of *West-Springfield*.*

WHEREAS by reason of the great extent of the township of *Springfield*, the remote settlements, disputes, controversies and different interests of the inhabitants thereof, the difficulty and often impracticability of their assembling in town meetings, for elections and other necessary purposes, by reason of the great river *Connecticut*, almost equally dissecting the township, it is necessary that there be a division thereof:

SECT. 1. *Be it enacted by the Governor, Council and House of Representatives,* That that part of the township of *Springfield*, lying on the west side of *Connecticut River*, and the inhabitants there, be constituted and erected into a distinct town, by the name of *West-Springfield*, and be invested with all the powers, privileges and immunities which by the laws of this Province towns have and enjoy.

SECT. 2. *Provided, and be it further enacted,* That it shall not be lawful for the said town of *West-Springfield*, or any parish or precinct there, at any time hereafter to assess or tax the lands or estates of any inhabitant or inhabitants of the town of *Springfield*, situate or lying in that part of the great and general field, so called, on the west side of *Connecticut River*, which is and lies southward of a line running from the ferry over said river at the *Upper Wharf*, so called, to the pond called *Turtle Pond* in said field, and thence to the west end of the hill called *New-Field Hill*, and thence to the ferry over *Agawam River*, near *Moses Leonard's* dwelling-house, for any rates, duties or charges whatever, the same being within the nominal limits of the said town of *West-Springfield* notwithstanding: And that all lots, lands and estates whatever lying within the said great and general field, southerly of the line aforesaid, and every part and parcel of the same, the owner and proprietor or proprietors whereof shall, for the time being and at any time hereafter, be an inhabitant or inhabitants of the said town of *Springfield*, shall stand chargeable and taxable, and be charged and taxed and assessed for all Province, county, town and parish taxes, rates, charges and duties only in and by the said town of *Springfield* and the parish or parishes respectively there at all times hereafter.

SECT. 3. *And be it further enacted,* That the said town of *West-Springfield* and the inhabitants thereof shall stand chargeable and charged with the payment of all debts and sums of money due and owing from the undivided town of *Springfield*, and of all grants, rates and assessments heretofore made, and with the future maintenance and support of the present poor of the same town in such share and proportion as the inhabitants on the west side of *Connecticut River* were assessed to the last Province tax in said town, and also of the future poor, if any such may be, not at present resident in said town, with the support of whom the said town of *Springfield* may be hereafter chargeable by virtue of settlements gained previous to the making this Act; and that all the ministry and school lands of the undivided town of *Springfield*, lying in the outward commons, so called, on each side of *Connecticut River*, and the stock of ammunition, and all monies in the Treasury or due and owing to said undivided town, excepting the sum of *two hundred pounds* heretofore granted and appropriated for building a Bridge across *Chicabee River*, and all other the estate real and personal of the said undivided town of *Springfield*, except the public buildings of said town, and also excepting that part of the ministry lands which now is in the actual possession of the first, second and third parishes severally in said town or the respective Ministers thereof, shall be held and divided by and between the said two towns in the same proportion as the respective inhabitants on the east and west side of *Connecticut River* were assessed to the last Province assessment; and in case the said *two hundred pounds* so granted and appropriated as aforesaid, shall not within ten years be expended and laid out for the purpose aforesaid, that the same with all interest arising therefrom be divided in manner and proportion aforesaid: And to prevent disputes and controversies which may hereafter arise respecting that part of the said ministry lands which formerly by order of the General Court was allotted, divided and set off in severalty to the said first, second and third parishes for the use of the ministry in those several parishes

Preamble.

Erected into a distinct town, by the name of *West-Springfield*.

Lands lying in the general field on the west side the river, not to be taxed by *West-Springfield*.

All such lands to be taxed by the town of *Springfield*.

To pay their proportion of all debts due from the town of *Springfield*, and support of their poor.

To have their proportion of public lands and stock, excepting public buildings, &c.

Provido, in case the whole money granted for building a bridge over *Chicabee River* should not be expended.

Provido to prevent future disputes about ministerial lands.

* See additional Act, Vol. II. p. 194.

parishes respectively, and for many years has been and now is in the actual and several possession and enjoyment of the said three parishes respectively, or the several Ministers thereof.

Ministerial lands now in possession of West-Springfield, to be held for that use forever.

Each town to hold all public buildings in their respective limits.

Rights and limits of the respective parishes not to be affected by the division.

Selectmen of Springfield to call a meeting of the inhabitants of West-Springfield, for the choice of town officers, &c.

SECT. 4. *Be it further enacted*, That the said town of *West-Springfield* shall have and hold that part of the same ministry lands which was so allotted, divided and set off to the said second parish and is now in their actual and several possession as aforesaid, only for the use, benefit and behoof of the said ministry in the said second parish forever; and that the remaining town of *Springfield* shall have and hold that part of the same ministry lands which was so allotted, divided and set off to the said first and third parishes respectively, and now is in the actual possession of the same parishes respectively, or the several Ministers thereof, only for the use, benefit and behoof of the ministry in the said first and third parishes respectively in severalty forever, according to the division and partition made as aforesaid, and their present respective and several possessions: And that the said town of *West-Springfield* shall have and hold all the public buildings within the limits of the same town, and the remaining town of *Springfield* shall have and hold all public buildings within the limits thereof.

SECT. 5. *And be it further enacted*, That nothing in this Act contained shall change, alter or affect the present rights or limits of the several parishes in said undivided town or either of them or their respective interests or estates in the ministry lands as heretofore established, or any division or partition thereof heretofore made.

SECT. 6. *And be it further enacted*, That the present Selectmen of the town of *Springfield*, or the major part of them, be, and hereby are empowered and required within reasonable and convenient time to issue their warrant directed to some Constable or Constables of the said town of *Springfield*, living on the west side of *Connecticut River*, requiring him or them to warn and give notice to the inhabitants of the said town of *West-Springfield*, qualified by law to vote in town-meetings, to meet and assemble some time in the month of *March* next, on such day and at such place in the same town as they by their warrant shall appoint, to choose all necessary town-officers, and that the inhabitants so notified and assembled, be, and hereby are empowered and required to choose such town-officers accordingly; and all disputes and controversies respecting the qualifications of voters in this or any other meeting of the same town, before the making any assessment therein, except the meeting for the choice of Representatives, shall be adjudged and determined by the same list and assessment, and in the same manner by which the same might have been determined if no division of the town had been made.

[This Act passed 1774.]

An ACT for setting off a Number of the Inhabitants of the Town of *Methuen*, in the County of *Essex*, into a separate Parish.*

Preamble.

WHEREAS for the satisfaction of a number of the inhabitants of the town of *Methuen*, in the county of *Essex*, with respect to their attending public worship, it is found necessary to set them off and erect them into a separate parish:

Names of persons set off.

SECT. 1. *Be it therefore enacted by the Council and House of Representatives, in General Court assembled, and by the authority of the same*, That the said inhabitants, viz. *Josiah Osgood, Enoch Merrill, Ebenezer Hibbard, John Wilson, Daniel Bodwell, jun. David Barker, Joseph Merrill, Jonathan Austin, James Hibbard, Ebenezer Hibbard, jun. Payne Morse, John Barker, Nathaniel Pettengill, jun. Nathaniel Hibbard, William Bodwell, John Tippets, jun. Ebenezer Carlton, Daniel Hibbard, Samuel Palmer, John Palmer, James Palmer, William Hibbard, John Barker, jun. Abel Merrill, Eliphalet Bodwell, Phineas Pettengill, Dudley Pettengill, John Hibbard, John Hibbard, jun. Jonathan Hibbard, Parker Richardson, John Cheney, Samuel Bodwell, Nathaniel Pettengill, William Cross, William Webber, William Cross, jun. Jonathan Cross, Simeon Cross, Benjamin Webber, Joseph Cross, David Whitier, Samuel Cross, Nathaniel Webber, Samuel Webber, Jesse Tyler, Elisha Webber, Nathaniel Tyler*, with such others of the inhabitants of said town of *Methuen* as shall make known their desire to join them, by giving in their names for that purpose to the Town-Clerk of

Methuen

* See Vol. I. p. 265.

Methuen aforeſaid, within the term of ſix months from the time of paſſing this Act, all of whom with the eſtates they now do, or may hereafter poſſeſs in ſaid town, be, and hereby are ſet off and made into a ſeparate pariſh, and that ſaid pariſh be, and hereby is inveſted with like powers and privileges of other pariſhes in this State.

SECT. 2. *And be it further enacted*, That *Stephen Barker*, Eſq. be, and hereby is empowered to iſſue his warrant to ſome principal inhabitant of ſaid pariſh, requiring him to notify and warn the members thereof to meet at the meeting-houſe in ſaid pariſh, at ſuch time as ſhall be moſt proper for them to meet, then and there to chooſe ſuch officers as may be neceſſary, agreeable to the laws of this State, to manage the affairs of ſaid pariſh; and the members thereof, qualified by law to vote, be, and are hereby empowered to chooſe ſuch officers accordingly.

[This Act paſſed January 25, 1779.]

An ACT to make perpetual fundry Temporary Acts.

WHEREAS fundry Acts have been paſſed in the late Province, State, and now Commonwealth of *Maſſachuſetts*, and continued in force from time to time, to the firſt day of *November* next, and other periods; and the ſame Acts, from experience, have been found neceſſary and beneficial: Therefore,

Be it enacted by the Senate and Houſe of Representatives, in General Court aſſembled, and by the authority of the ſame, That the following Acts and Laws, and every claufe thereof, be, and the ſame are hereby made perpetual, and ſhall remain in force until the ſame ſhall be reſpectively repealed by the Legiſlature of this Commonwealth, to wit: An Act paſſed in the year of our Lord ſeventeen hundred and eighty-one, entitled, "An Act to prevent damage being done on the meadows lying in the townſhip of *Yarmouth*, called *Nobſcuſett Meadow*, and a ſmall commonage of land, and beaches thereto adjoining:"* an Act paſſed in the year of our Lord one thouſand ſeven hundred and eighty-three, entitled, "An Act for preventing the unneceſſary deſtruction of ſhad, alewives and other fiſh, in *Cathance* and *Abagadeſſet Rivers*, in the town of *Bowdoinham*:"† alſo, an Act made in the year of our Lord one thouſand ſeven hundred and fifty-ſeven, entitled, "An Act to prevent damage being done unto *Billingsgate Bay*, in the town of *Eaſtham*, by cattle, and horſe kind, and ſheep, feeding on the beach and lands adjoining thereto:" alſo, an Act made in the year of our Lord one thouſand ſeven hundred and forty-ſix, entitled, "An Act to prevent damage being done unto *Noſſet Meadow*, by cattle and horſe kind feeding on the beach adjoining thereto:" alſo, an Act made in the year of our Lord one thouſand ſeven hundred and forty-nine, entitled, "An Act to prevent damage being done on the beach in *Biddeford*, and meadows adjoining ſaid beach, commonly known by the name of *Winter Harbour Beach*:" alſo, an Act made in the year of our Lord one thouſand ſeven hundred and fifty-three, entitled, "An Act to prevent cattle and horſes running at large, and feeding on the beaches and meadows below the banks in the town of *Truro*, from the houſe of *Joſhua Atkins* to *Bound Brook*; and alſo in the common meadow at and about *Panit Harbour and River*, as far up as the wading place by *John Lumbart's*:" alſo, an Act made in the year of our Lord one thouſand ſeven hundred and fifty-eight, entitled, "An Act for altering a claufe in an Act made in the thirteenth year of his preſent Maſteſty's reign, entitled, "An Act to prevent damage being done on the *Billingsgate Bay*, in the town of *Eaſtham*, by cattle, and horſe kind, and ſheep, feeding on the beach and iſlands adjoining thereto:" alſo, an Act made in the year of our Lord one thouſand ſeven hundred and fifty-ſeven, entitled, "An Act to prevent damage being done on the meadows and beaches lying in the townſhip of *Barnſtable*, on the ſouth ſide of the harbour, contiguous to the common field in ſaid town:" alſo, an Act made in the ſame year, entitled, "An Act to prevent neat cattle, horſes and ſheep running at large and feeding on the beaches between *Wells* and *Ogunquit Harbour*, in the town of *Wells*, and to prevent the mowing of the ſame:" alſo, an Act made in the year of our Lord one thouſand ſeven hundred and ſixty-one, entitled, "An Act to prevent damage being done on the meadows and beaches lying in and adjoining on the north ſide of the town of *Harwich*, between *Skeket Harbour*, on the eaſt, and *Quivet Harbour*, on the weſt:" alſo, an Act made in the ſame year, entitled,

First meeting.

To prevent damage on Nobſcuſett Meadow. Fiſh in Cathance, &c. rivers.

To prevent damage to Billingsgate Bay. — Noſſet Meadow.

— Winter Harbour Beach. — meadows in Truro.

— Billingsgate Bay.

— meadows, &c. in Barnſtable.

— in Wells.

— in Harwich.

* Inſerted in this edition. See Vol. I. p. 16.

† Repealed March 1, 1798.

To prevent damage to meadows in Harwich, additional Aft. — mischief by dogs on the island of Nantucket. — in woods in Plymouth, &c. Regulating meetings in Danvers. Moose and deer on Tarpolin Cove Island, &c. To prevent damage by fire in Boston and Charlestown. Fish passing Monaquot River, Braintree. Additional Aft regarding fires in Boston. Enabling Collectors to sue for taxes. Alewives at Middleboro'. Bafs in Parker River. Fish at Rochester. Monument Pond Beach. Sandy Neck Meadow, Barnstable. Support of Ministers. Scituate Beach, &c. Oysters in Charles and Myfic rivers. Porters in Boston. Plymouth Beach. Beach and Harbour in Plymouth.

led, "An Aft in addition to an Aft, made and passed this present year, entitled, "An Aft to prevent damage being done on the meadows and beaches lying in and adjoining to the north side of the town of *Harwich*, between *Shkot Harbour*, on the east, and *Quivet Harbour*, on the west:" also, an Aft made in the year of our Lord one thousand seven hundred and forty-three, entitled, "An Aft for preventing mischief by unruly dogs, on the island of *Nantucket*:" also, an Aft made in the year of our Lord one thousand seven hundred and sixty-five, entitled, "An Aft to prevent damage being done in the woods in *Plymouth*, *Sandwich*, *Barnstable*, *Falmouth*, and *Wareham*, by hunting with hounds and dogs:" also, an Aft made in the year of our Lord one thousand seven hundred and seventy-two, entitled, "An Aft for regulating town meetings in the town of *Danvers*:" also, an Aft made in the year of our Lord one thousand seven hundred and sixty-five, entitled, "An Aft for the preservation and increase of moose and deer on *Tarpolin Cove Island* and *Nemefset Island*, lying and being in the county of *Dukes County*:" also, an Aft made in the year of our Lord one thousand seven hundred and forty-eight, entitled, "An Aft to prevent damage by fire in the towns of *Boston* and *Charlestown*:" also, an Aft made in the year of our Lord one thousand seven hundred and forty-nine, entitled, "An Aft to prevent any person's obstructing the fish in the passing up into *Monatiquot River*, within the town of *Braintree*:"* also, an Aft made in the year of our Lord one thousand seven hundred and sixty-two, entitled, "An Aft in addition to the several Afts made to prevent damage by fire in the town of *Boston*:" also, an Aft made in the year of our Lord one thousand seven hundred and sixty-four, entitled, "An Aft to enable the Collectors of taxes in the town of *Boston* to sue for and recover the rates and taxes given to them to collect, in certain cases:" also, an Aft made in the year of our Lord one thousand seven hundred and sixty-four, entitled, "An Aft in addition to the Aft, entitled, "An Aft to prevent the unnecessary destruction of alewives in the town of *Middleborough*:" also, an Aft made in the year of our Lord one thousand seven hundred and seventy-one, entitled, "An Aft to prevent the taking of the fish called bafs, in the river *Parker*, in the town of *Newbury*, in a certain season of the year:"† also, an Aft made in the year of our Lord one thousand seven hundred and seventy-three, entitled, "An Aft to empower the inhabitants of the town of *Rochester*, in the county of *Plymouth*, to regulate the taking of fish within the harbour and cove of the said township:"‡ also, an Aft made in the year of our Lord one thousand seven hundred and sixty, entitled, "An Aft to prevent damage being done on a beach at *Monument Ponds*, in the township of *Plymouth*, lying between the lands of the late *Thomas Clark* and *Joseph Bartlett*, deceased, and on a certain tract of marshy ground lying under water there:" also, an Aft made in the year of our Lord one thousand seven hundred and forty-six, entitled, "An Aft to prevent the destruction of the meadow called *Sandy Neck Meadow*, in *Barnstable*, and for the better preservation of the harbour there:" also, an Aft made in the year of our Lord one thousand seven hundred and fifty, entitled, "An Aft providing for the support of Ministers in new plantations:" also, an Aft made in the year of our Lord one thousand seven hundred and fifty-five, entitled, "An Aft to prevent damage being done on the beach, hummocks and meadows belonging to the town of *Scituate*, lying between the southerly end of the third *Cliff*, so called, and the mouth of the *North River*:" also, an Aft made in the year of our Lord one thousand seven hundred and seventy-two, entitled, "An Aft to prevent the destruction of oysters in *Charles* and *Myfic* rivers:"§ also, an Aft made in the year of our Lord one thousand seven hundred and forty-one, entitled, "An Aft for the better regulating Porters, employed within the town of *Boston*:" also, an Aft made in the year of our Lord one thousand seven hundred and forty-eight, entitled, "An Aft to prevent damage being done on the beach and meadows in *Plymouth*, adjoining to said beach, commonly known by the name of *Plymouth Beach*:" also, an Aft made in the year of our Lord one thousand seven hundred and sixty-five, entitled, "An Aft for the preservation

* See Vol. II. p. 285. another Aft on this subject, but which contains no clause repealing this Aft.

† See Vol. II. p. 117. another Aft on this subject, but which does not repeal this law, unless by implication.

‡ Repealed June 22, 1797. See General Laws, Vol. II. p. 788.

§ A general law relative to oysters and other shell-fish, passed February 26, 1796. See General Laws, Vol. II. p. 726.

tion of the beach and harbour in the town of *Plymouth*:" also, an Act made in the year of our Lord one thousand seven hundred and seventy-three, entitled, "An Act for regulating lamps already set up, or that may hereafter be set up, for enlightening the streets, lanes, alleys or passage-ways in the town of *Boston*, and to prevent the breaking or otherways dammifying the same; and also establishing the method for paying the expenses that may arise in supporting and maintaining said lamps:" also, an Act made in the year of our Lord one thousand seven hundred and sixty-three, entitled, "An Act to exempt the people called Quakers, from the penalty of the law for non-attendance on military musters:"* also, an Act made in the year of our Lord one thousand seven hundred and fifty-one, entitled, "An Act to empower the Proprietors of the meeting-house in the first parish in *Salem*, where the Rev. Mr. *John Sparhawk* now officiates, to raise money for defraying the ministerial and other necessary charges:" also, an Act made in the year of our Lord one thousand seven hundred and sixty-one, entitled, "An Act for the preventing the stealing and clandestinely conveying sheep away from the island of *Martha's Vineyard*, in *Dukes' County*:" also, an Act made in the year of our Lord one thousand seven hundred and fifty-four, entitled, "An Act for securing the growth and increase of a certain parcel of wood and timber in the townships of *Ipswich* and *Wenham*, in the county of *Essex*:" also, an Act made in the year of our Lord one thousand seven hundred and sixty-seven, entitled, "An Act to prevent damage being done on the meadows and beaches, lying in and adjoining on the south side of the towns of *Tisbury* and *Chilmark*, in the county of *Dukes' County*, between the lands of *Mathew Mayhew*, Esq. on the west, and the creek of water that divides the land of *Thomas Waldron* from the beach, on the east:" also, an Act made in the year of our Lord one thousand seven hundred and sixty-eight, entitled, "An Act to prevent damage being done on *Bound Beach Island*, and *Griffith's Islands*, within the district of *Wellsfleet*, by cattle, horse kind and sheep:"† also, an Act made in the year of our Lord one thousand seven hundred and sixty-eight, entitled, "An Act to prevent the destruction of the salt-meadow lying in the towns of *Tisbury* and *Chilmark*:" also, an Act made A. D. one thousand seven hundred and seventy-four, entitled, "An Act to prevent neat cattle, horses, sheep, goats and swine, from going at large upon the island of *Chabequidick*, at certain seasons of the year, and for preventing other trespasses being done on any of the Indian lands on said island, for the future:"‡ also, an Act made in the year of our Lord one thousand seven hundred and forty-nine, entitled, "An Act to prevent the unnecessary destruction of alewives in the town of *Middleborough*:"§ also, an Act made in the year of our Lord one thousand seven hundred and eighty-one, entitled, "An Act to provide more effectually for the preservation of the fish called alewives, in the streams running into *Merrimack River*, within the town of *Andover*:"|| also, an Act made in the year of our Lord one thousand seven hundred and forty-four, entitled, "An Act to prevent neat cattle and horses running and feeding on the beaches adjoining to *Eastern Harbour Meadow*, in the town of *Truro*:" also, an Act made in the year of our Lord one thousand seven hundred and sixty-nine, entitled, "An Act to empower the east precinct in *Salem*, where the Rev. *James Dimond* now officiates, to raise money for defraying ministerial and other charges of said precinct:" also, an Act made in the year of our Lord one thousand seven hundred and seventy-nine, entitled, "An Act in addition to an Act for the preservation and increase of moose and deer on *Tarpaulin Cove Island* and *Nenemesset Islands*, lying and being in the county of *Dukes' County*:" also, an Act made in the year of our Lord one thousand seven hundred and ninety-three, entitled, "An Act for securing the growth of wood and timber in a certain tract of wood land, situated in the towns of *Ipswich*, *Wenham*, *Beverly* and *Manchester*:"¶ also, an Act made in the year of our Lord one thousand seven hundred and eighty-seven, entitled, "An Act to prevent the destruction of oysters and all other shell-fish, lying within the harbours, rivers and bays within the limits of the towns of *Sandwich*, in the county of *Barnstable*, and *Wareham*, in the county of *Plymouth*, *Lamps in Boston*, *Quakers exempted from military duty*, *First parish in Salem empowered to raise money*, *Stealing sheep from Martha's Vineyard*, *Wood and timber in Ipswich and Wenham*, *Beaches near Tisbury and Chilmark*, *Bound Beach and Griffith's Islands*, *Salt meadow in Tisbury and Chilmark*, *Cattle's going at large on Chabequidick*, *Alewives at Middleboro'*, *Alewives at Andover*, *Beaches in Truro*, *East precinct in Salem empowered to raise money*, *Moose and deer on Tarpaulin Cove and Nenemesset Islands*, *Wood and timber in Ipswich, &c.*, *Oysters at Barnstable and Wareham, &c.*

* Like provision made by subsequent militia laws.

† Repealed June 19, 1861. See Vol. II. p. 448.

‡ See perpetual law on this subject. General Laws, Vol. I. p. 215.

§ This Act was repealed by an Act passed June 30, 1792. See Vol. I. p. 315. Revived by this Act, and again repealed June 22, 1797. See General Laws, Vol. II. p. 788.

|| See Vol. I. p. 10.

¶ Inserted in this edition, Vol. I. p. 438.

Plymouth, and the towns of *Dartmouth* and *Westport*, in the county of *Bristol*."* also, an Act made in the year of our Lord one thousand seven hundred and eighty-eight, entitled, "An Act for the better regulation of the Indian, Mulatto and Negro Proprietors in *Marblehead*, in the county of *Barnstable*."† also, an Act made in the year of our Lord one thousand seven hundred and seventy-one, entitled, "An Act to prevent damage being done to the Proprietors of the meadow, upland and beach, called *Great and Little Scepuitzet*, in the town of *Falmouth*, in the county of *Barnstable*." also, an Act made in the year of our Lord one thousand seven hundred and seventy-three, entitled, "An Act for regulating the alewife fishery in the town of *Halifax*, in the county of *Plymouth*." also, an Act made in the year of our Lord one thousand seven hundred and eighty, entitled, "An Act in addition to an Act, entitled, "An Act in further addition to, and explanation of an Act in addition to an Act for erecting a powder-house in *Boston*."‡

[This Act passed March 7, 1797.]

[The above Act is in the edition of General Laws, published in 1801. It is here re-published, on account of the insertion, in this edition, of such of the Acts thereby made perpetual, as remain unrepealed. Such of them as were passed since 1780, appear in these volumes, in their proper places. Those of an earlier date are here subjoined, arranged in the same order as in the above Act.]

An ACT to prevent Damage being done unto *Billingsgate Bay*, in the town of *Eastham*, by Cattle and Horse-kind and Sheep feeding on the Beach and Islands adjoining thereto.

Preamble.

WHEREAS many persons frequently drive numbers of neat cattle, horse-kind and sheep to feed upon the beach and islands adjoining to *Billingsgate Bay*, whereby the ground is much broken and damaged and the sand blown into the bay, to the great damage not only of private persons in their employment of getting oysters, but also to the public by filling up said bay, which is often used by seamen in times of weather:

SECT. 1. Be it therefore enacted by the Lieutenant-Governor, Council and House of Representatives, That from and after the publication of this Act no person or persons shall presume to turn or drive any neat cattle, or horse-kind or sheep to or upon the islands or beach lying westerly of *Billingsgate Bay* and south of *Griffin's Island*, so called, in the town of *Eastham*, to feed thereon, upon the penalty of ten shillings a head for all neat cattle and for every horse or mare, and one shilling for each sheep that shall be turned or found feeding on said islands and beach which lie south of *Griffin's Island*, which penalty shall be recovered by the Selectmen or Treasurer of the said town of *Eastham*, or any other person that shall inform and sue for the same, the one half of the said forfeiture to him or them who shall inform and sue for the same, and the other half to be to and for the use of the poor of said town.

Horses, cattle and sheep not to feed on *Billingsgate beach*, &c.

Penalty.

Cattle to be impounded if found feeding on the beach, &c.

Rules referring to such impounded cattle.

SECT. 2. And be it further enacted, That if any neat cattle, or horse-kind or sheep shall at any time hereafter be found feeding on the said islands and beach south of *Griffin's Island*, that it shall and may be lawful for any person to impound the same, immediately giving notice to the owners, if known, otherwise to give public notice thereof in the said town of *Eastham* and the two next adjoining towns: And the impounder shall relieve the creatures with suitable meat and water while impounded, and if the owner thereof appear he shall pay the sum of three shillings to the impounders for each neat beast and horse-kind, and four pence for each sheep, and the reasonable cost of relieving them, besides the pound-keeper's fees: And if no owner appear within the space of six days to redeem the said cattle, or horse-kind, or sheep, so impounded, and to pay the damages and costs occasioned by impounding the same, then and in every such case the person or persons impounding such cattle, or horse-kind, or sheep, shall cause the same to be sold at public vendue to pay the cost and charges arising about the same, (public notice of the time and place of such sale to

* See general law on this subject. General Laws, Vol. II. p. 726.

† Published with the General Laws, Vol. I. p. 418; repealed January 30,

1789. See General Laws, Vol. I. p. 442.

‡ Repealed June 19, 1801. See Vol. II. p. 466.

to be given in the said town of *Eastham*, and in the town of *Truro*, forty-eight hours beforehand) and the overplus, if any there be, arising by such sale, to be returned to the owner of such cattle, or horse-kind, or sheep, at any time within twelve months next after, upon his demanding the same; but if no owner appear within the said twelve months, then the said overplus shall be one half to the party impounding, and the other half to the use of the poor of the said town of *Eastham*.

SECT. 3. *And be it further enacted*, That the said town of *Eastham* at their meeting in *March* annually for the choice of town-officers, be authorized and empowered to choose one or more meet person or persons, whose duty it shall be to see that this Act be observed, and prosecute the breakers thereof, who shall be sworn to the faithful discharge of their office; and in case any person or persons so chosen shall refuse to be sworn, he shall forfeit and pay *three pounds* to the poor of the said town of *Eastham*; and the said town of *Eastham*, at a town-meeting warned for that purpose, may at any time before *March* next, choose such officers, who shall continue until their annual meeting in *March* next.

Officers to be chosen to put this Act in execution.

SECT. 4. *And be it further enacted*, That for and during the term of ten years, accounting from the first day of *April*, one thousand seven hundred and fifty-seven, it shall and may be lawful for *Samuel Smith*, Esq. his heirs, executors and administrators, to feed on the beach and islands aforesaid, twelve neat cattle from the first day of *April*, to the first day of *June*, and eighteen neat cattle from the said first of *June*, to the twentieth day of *November* annually, and one cow for the use of the family on said island, for and during the whole of the term beforementioned: And that the said *Samuel Smith* be empowered to build at his own expense a pound on said island, for impounding such creatures as shall be found feeding on said island other than by this Act is allowed, and that the pound-keeper or pound-keepers who shall be chosen pursuant to this Act, have the care and charge of the pound by this Act allowed to be erected on said island as aforesaid; any thing in this Act to the contrary notwithstanding: *Provided*, That the said *Samuel Smith*, his heirs, executors or administrators, shall and do make and maintain a good and sufficient fence across the north part of said island, and into the sea; and keep a house and family on said island during the term aforesaid, and also make good all reasonable damage that shall accrue to the owners of the meadow lying between said island and *Beach Hill*.

Samuel Smith, Esq. allowed to feed a number of cattle thereon.

Proviso.

SECT. 5. *And be it further enacted*, That the said town of *Eastham*, at their meeting in *March* annually, shall and may have liberty to choose one or more person or persons to inspect said islands, and to add to or diminish said number of cattle feeding thereon, as they shall from time to time find necessary and most convenient for the benefit of said islands.

Town of *Eastham* empowered, &c.

[This Act passed *February 28*, 1757.]

An ACT to prevent Damage being done unto *Nosssett Meadow*, by Cattle and Horse Kind feeding on the Beach adjoining thereto.

WHEREAS many persons frequently drive numbers of neat cattle and horse kind to feed upon the beach called *Nosssett Beach* adjoining to *Nosssett Meadow* in *Eastham*, whereby the ground is much broken and the sand blown away, so that the said beach is in great danger of being totally broke away, and by that means the meadow adjoining will be greatly damaged, if not wholly lost:

Preamble.

SECT. 1. *Be it therefore enacted by the Governor, Council and House of Representatives*, That the Proprietors of the meadow and beach called *Nosssett Beach* and *Meadow*, are hereby empowered at their own cost and charge according to each one's interest, to erect and maintain a fence, such a one as they shall agree upon, from the inclosed land of *Joseph Mayo*, to the southerly end of the land called the *Table Land* at the sea-side, for the preservation of said beach and meadow.

Proprietors empowered to erect and maintain a fence.

SECT. 2. *And it is further enacted*, That from and after the publication of this Act, no person or persons shall presume to turn or drive any neat cattle or horse kind upon said meadow or beach, between the first of *March* and the last of *November* annually, upon the penalty of *ten shillings* a head for all neat

Penalty for turning or driving cattle to feed on *Nosssett Meadows*, &c.

cattle and horse kind that shall be turned or found feeding on said beach and meadow between the said first of *March* and last day of *November* aforesaid; which penalty shall be recovered by the Selectmen or Treasurer of the said town of *Eastham*, or any other person that shall inform and sue for the same, the one half of the said forfeiture to him or them who shall inform and sue for the same, the other half to be to and for the use of the poor of said town.

Cattle found feeding contrary to this Act to be impounded, &c.

SECT. 3. *And be it further enacted*, That if any neat cattle or horse kind shall at any time hereafter be found feeding on the said beach or meadow between the first of *March* and last of *November* as aforesaid, that it shall and may be lawful for any person to impound the same, and to proceed in every other respect agreeable to an Act made in the sixteenth year of his present Majesty's reign, entitled, "An Act to prevent damage being done unto *Billingsgate Bay*, in the town of *Eastham*, by cattle and horse kind and sheep feeding on the beach and islands adjoining thereto;" and also said town to proceed in the method mentioned in the aforesaid Act in their choice of officers, to look after said *Noisset Meadow* and *Beach*: This Act to continue and be in force for the space of five years from the publication thereof, and no longer.

Limitation.

[This Act passed *April 27, 1747.*]

An ACT to prevent Damage being done on the Beach in *Biddeford*, and Meadows adjoining to said Beach, commonly known by the name of *Winter Harbour Beach*.

Preamble.

WHEREAS by the frequent numbers of neat cattle, horses and sheep feeding upon said beach and the meadows adjoining thereto, the said beach is much broken, and the sea breaks over it and carries the sand into the harbour and upon the meadows; and there is great danger, if such practices are not prevented, that the harbour in said town will be entirely ruined, and the meadows within said beach utterly spoiled, to the great damage of the owners thereof:

No neat cattle, horses or sheep to be turned on *Winter Harbour Beach* or *Meadows*.

SECT. 1. *Be it enacted by the Governor, Council and House of Representatives*, That from and after the publication of this Act, no person or persons shall presume to turn or drive any neat cattle, horse kind or sheep, upon the beach called *Winter Harbour Beach*, in *Biddeford*, or upon the meadows adjoining, upon the penalty of *ten shillings* a head for neat cattle and horses, and *three shillings* for each sheep that shall be turned or found on said beach or meadows, the one half of said forfeiture to be to the informer, the other half to and for the use of the poor of said town of *Biddeford*.

Creatures turned on said beach, &c. to be impounded.

SECT. 2. *And be it further enacted*, That if any neat cattle, horse kind or sheep shall at any time be found feeding on said beach, meadows or shores adjoining to said beach, it shall and may be lawful for any person to impound them immediately, giving notice to the owner or owners of the same if known, otherwise to give public notice thereof in said town of *Biddeford*; and the impounder shall relieve said creatures with suitable meat and water while impounded; and if the owner thereof appear he shall pay *two shillings* for each neat beast or horse kind, and *eight pence* for each sheep, and the reasonable cost of relieving them, besides the pound-keeper's fees: And if no owner appear within the space of three days to redeem the said cattle, horse kind or sheep so impounded, and to pay the cost and damage occasioned by impounding the same, then and in every such case, the person or persons impounding such cattle, horse kind or sheep, shall cause the same to be sold at public vendue, and pay the cost and charges about the same, (public notice of the time and place of such sale being given in the said town of *Biddeford*, and the two neighbouring towns forty-eight hours beforehand,) and the overplus, if any there be, arising by such sale, to be returned to the owner or owners of such cattle, horse kind or sheep, at any time within two months next after such sale, upon his demanding the same; but if no owner appears within said two months, then the said overplus shall be, one half to the persons impounding, and the other half to be returned to the Town-Treasurer of said town of *Biddeford*, for the use of the poor of said town.

Owners to pay a fine, and cost of relieving.

Creatures to be sold in case.

Fences may be erected.

SECT. 3. *And be it further enacted*, That the inhabitants of the said town of *Biddeford* shall and may from time to time have liberty of setting up two fences in the most convenient places across the country road, in order the more effectually to prevent cattle, horses and sheep, going and feeding on said Beach; provided a gate be made in each fence sufficient for the passage of carts and other carriages.

SECT.

SECT. 4. *And be it further enacted*, That the said town of *Biddeford*, at their meeting in *March* annually for the choice of town officers, be authorized and empowered to choose one or more meet person or persons, whose duty it shall be to see this Act observed, and to prosecute the breakers thereof, who shall be sworn to the faithful discharge of their office; and in case any person so chosen shall refuse to be sworn, he shall forfeit and pay the sum of *twenty shillings* for the use of the poor of the town of *Biddeford*, and upon said refusal said town may from time to time proceed to a new choice of such officer or officers; and said town of *Biddeford*, at a town-meeting warned for that purpose, may at any time choose such officers, who shall continue till their annual meeting in *March* next: This Act to continue and be in force for the space of three years from the publication thereof, and no longer.

Officers to be chosen to see this Act executed.

Limitation.

[This Act passed *April 27, 1749.*]

An ACT to prevent Neat Cattle and Horses running at large and feeding on the Beaches and Meadows below the *Banks* in the Town of *Truro*, from the House of *Josbua Atkins* to *Bound Brook*; and also on the Common Meadow at and about *Pamit Harbour* and *River*, as far up as the Wading Place by *John Lumbart's*.

WHEREAS there are certain meadow lands within the township of *Truro*, in the county of *Barnstable*, called *Pamit Meadows*, on which many of the inhabitants of said town depend for their hay, and the said meadow land lies adjoining to sandy beaches next the sea, on which no fence can well be made to stand, and by reason of cattle and horses trampling and feeding there, the beach grass which was wont to prevent the driving of the sand from the beaches to the meadows, is destroyed, and a great part of the meadows already covered with sand and become useless for grass, and the whole in danger of being buried with the sands, if not timely prevented:

Preamble.

SECT. 1. *Be it therefore enacted by the Governor, Council and House of Representatives*, That no person shall presume to turn or drive any neat cattle or horses upon the said beaches or meadows to feed, or leave them at large there, on the penalty of *five shillings* a head for all neat cattle, and for every horse kind so turned upon any of the said beaches or meadows to feed, or that shall be found at large there; which penalty may be recovered by any of the Proprietors of said beaches or meadows, one moiety thereof to be to the informer that shall sue for the same, and the other moiety to be to and for the use of the poor of the town of *Truro*.

No person to turn or drive any cattle on the beaches, &c. of *Truro*.

SECT. 2. *And be it further enacted*, That it shall be lawful for any owner or proprietor of the said meadows or beaches, or other person finding any cattle or horse kind feeding or going at large upon the beaches or meadows aforesaid, or any of them, to impound the same; and the person or persons impounding them shall give public notice thereof in the town of *Truro*, and in the two next adjoining towns, and shall relieve said creatures whilst impounded, with suitable meat and water; and the owner thereof appearing he shall pay to the impounder *one shilling and six pence* damages for each head of neat cattle or horse kind so impounded, and cost of impounding them: and if the owner do not appear within the space of six days and pay the damage and costs occasioned by impounding the same, then, and in every such case, the person or persons impounding such cattle or horse kind, shall cause them to be sold at public vendue, for paying such damages and costs, and the charge arising by such sale, (public notice of the time and place of such sale being given forty-eight hours before-hand,) and the overplus, if any be, to be returned to the owner of such cattle or horse kind, on his demand, at any time within twelve months next after the sale; and if no owner shall appear within the said twelve months, then one moiety of the overplus shall be to the party impounding, and the other moiety thereof to the use of the poor of the town of *Truro*: This Act to continue and be in force for the space of three years from the first day of *June* next, and no longer.

Cattle found feeding on the beaches aforesaid to be impounded, &c.

Limitation.

[This Act passed *April 24, 1754.*]

An ACT for altering a Clause in an Act made in the thirtieth Year of his present Majesty's Reign, entitled, "An Act to prevent Damages being done unto *Billingsgate-Bay* in the Town of *Eastham*, by Cattle and Horses feeding on the Beach and Islands adjoining thereto."

Preamble.

WHEREAS by said Act liberty is given to *Samuel Smith*, Esq. his heirs, &c. to feed a certain number of cattle on the beach and islands therein mentioned; he performing several conditions in the Act recited, among which one is mentioned by way of proviso, viz. That the said *Samuel Smith*, his heirs, executors or administrators, shall and do make and maintain a good and sufficient fence across the north part of the island, therein mentioned, and into the sea; which article is represented impracticable to be done: And whereas the town of *Eastham*, together with the said *Samuel Smith*, have petitioned that the paragraph relating to said fence and into the sea, be taken off:

Clause in said Act rendered void.

Be it enabled by the Governor, Council and House of Representatives, That that part of the proviso in said Act above recited, relative to the fence aforesaid, be and hereby is declared null and void, and no longer be esteemed as part of said Act, during its continuance.

[This Act passed *January 26, 1758.*]

An ACT to prevent Damage being done on the Meadows and Beaches lying in the Township of *Barnstable*, on the South Side of the Harbour, contiguous to the Common Fields in said Town.

Preamble.

WHEREAS many persons frequently drive numbers of neat cattle, horses, sheep and swine, to feed upon the beaches, meadows and shores adjoining to the late common fields in said *Barnstable*, between said fields and the harbour, whereby the ground is much broken and damaged, and the sand blown on said meadows and uplands adjoining, to the great damage, not only of private persons in their properties, but also to said town in general, so far as relates to said town's meadows, appropriated to maintain a pound:

Persons forbidden to drive cattle on meadows & beaches in *Barnstable*.

SECT. 1. *Be it enacted by the Council and House of Representatives*, That during the continuance of this Act, no person or persons shall presume to turn or drive any neat cattle, or horse kind, or sheep, or swine, to or upon any of the beaches, meadows or shores that lie between the late common fields in said *Barnstable*, any where from *Calves Pasture Point* to *Yarmouth* line, round as the shore goes, upon the penalty of *three shillings* a head for neat cattle or horse kind, and *one shilling* for each sheep and swine, that shall be turned and found on said beaches, meadows or shores, within the limits aforesaid; which penalty shall be recovered by the Selectmen or Treasurer of the said town of *Barnstable*, or any other person that shall inform and sue for the same, the one half of the said forfeiture to him or them that shall inform and sue for the same, the other half to be to and for the use of the poor of the said town.

Penalty.

Cattle to be impounded, in case.

SECT. 2. *And be it further enacted*, That if any neat cattle, or horse kind, or sheep, or swine, shall at any time hereafter be found feeding on the said beaches, meadows or shores that lie between the late common fields and the harbour, in said *Barnstable*, any where from *Calves Pasture Point* to *Yarmouth* line, round as the shore goes, that it shall and may be lawful for any person to impound the same, immediately giving notice to the owners, if known, otherwise to give public notice thereof in the said town of *Barnstable*, and the two next adjoining towns; and the impounder shall relieve the said creatures with suitable meat and water while impounded; and if the owner thereof appear, he shall pay the sum of *one shilling* to the impounder, for each neat beast and horse kind, and *four pence* for each sheep and swine, and the reasonable cost of relieving them, besides the pound-keeper's fees; and if no owner appear within the space of six days, to redeem the said cattle or horse kind, sheep or swine, so impounded, and to pay the costs and damages occasioned by impounding the same, then, and in every such case, the person or persons impounding such cattle or horse kind, sheep or swine, shall cause the same to be sold at public vendue, and pay the cost and charges arising about the same, (public notice of the time and place

Cattle to be sold, in case.

place of such sale to be given in the said town of *Barnstable*, and in the town of *Yarmouth*, forty-eight hours beforehand;) and the overplus, if any there be, arising by such sale, to be returned to the owner of such cattle or horse kind, sheep or swine, at any time within twelve months next after, upon his demanding the same; but if no owner appear within the said twelve months, then the said overplus shall be one half to the party impounding, and the other half to the use of the poor of the said town of *Barnstable*.

SECT. 3. *And be it further enacted*, That the said town of *Barnstable*, at their meeting in *March* annually, for the choice of town-officers, be authorized and empowered to choose one or more meet person or persons, whose duty it shall be to see this Act observed, and to prosecute the breakers thereof, and who shall be sworn to the faithful discharge of their office; and in case any person so chosen shall refuse to be sworn, he shall forfeit and pay *five shillings*, for the use of the poor of the said town of *Barnstable*, and upon such refusal, said town from time to time to proceed to a new choice of such officer or officers; and the said town of *Barnstable*, at a town-meeting warned for that purpose, may at any time before *March* next, choose such officers, who shall continue until their annual meeting in *March* next: This Act to commence on the tenth day of *June* next, and to continue and be in force till the end of the session of the General Court next following the twenty-fifth of *March*, one thousand seven hundred and sixty-seven, and no longer.

[This Act passed *June 17, 1757.*]

Officers to be chosen to put this Act in execution.

Limitation.

An ACT to prevent Neat Cattle, Horses and Sheep running at large and feeding on the Beaches between *Wells* and *Ogunquit* Harbours, in the Town of *Wells*, and to prevent the Mowing of the same.

WHEREAS there is a large quantity of marsh within the township of *Wells*, in the county of *York*, on which most of the inhabitants of said town depend for their hay, and the said marsh lies adjoining to two long sandy beaches between *Wells* and *Ogunquit* harbours, which is the only barrier to prevent said marsh from being destroyed, and by reason of cattle and horses trampling and feeding there, and by some persons mowing the grass on said beaches, which was wont to preserve the beaches, and prevent the seas breaking over the same, and covering said marsh with sand, by which some part of said marsh is already destroyed, and the whole is in danger of being buried with the sand, if not timely prevented:

Preamble.

SECT. 1. *Be it therefore enacted by the Governor, Council and House of Representatives*, That from and after the first day of *September* next, no person shall presume to turn or drive any neat cattle, horses or sheep upon the said beaches to feed, or leave them at large there, on the penalty of *four shillings* a head for all neat cattle and horse kind, and *six pence* for every sheep so turned upon any of said beaches to feed, or that shall be found at large there; which penalty may be recovered by any person of the said town of *Wells*, one moiety thereof to be to the informer that shall sue for the same, and the other moiety to be to and for the use of the poor of said town.

Persons forbidden to drive cattle, &c. on the beaches between *Wells* and *Ogunquit* harbours, on penalty.

SECT. 2. *And be it further enacted*, That it shall and may be lawful for any person or persons of the said town of *Wells*, finding any cattle, horse kind or sheep feeding or going at large upon the beaches aforesaid, or any of them, to impound the same; and the person or persons impounding them shall give public notice thereof in said town of *Wells*, and shall relieve said creatures whilst impounded, with suitable meat and water, and the owner thereof appearing shall pay to the impounder *two shillings* for each head of neat cattle and horse kind, and *four pence* for each sheep so impounded, and cost of impounding them; and if the owner do not appear within the space of six days, and pay the damages and cost occasioned by impounding the same, then and in every such case the person or persons impounding such cattle, horse kind or sheep, shall cause them to be sold at public vendue, for paying such damages and costs, and the charge arising by such sale, (public notice of the time and place of such sale being given forty-eight hours beforehand) and the overplus, if any be, to be returned to the owner of such cattle, horse kind or sheep on his demand, at any time within twelve months next after the sale; and if no owner shall appear within the said twelve

Cattle to be impounded, in case.

Cattle to be sold, in case.

months,

months, then one moiety of the overplus shall be to the party impounding, and the other moiety thereof to the use of the poor of said town.

Penalty for mowing, &c. said beaches.

SECT. 3. *And be it further enacted*, That if any person shall presume to mow any grafs on said beaches, or carry away any from off said beaches, shall forfeit and pay the sum of *five pounds* for every ton, and so in proportion for a greater or less quantity; which penalty may be recovered by any person of the town of *Wells*, one moiety thereof to be to the informer that shall sue for the same, and the other moiety to be to and for the use of the poor of said town.

Penalty for leaving open bars, &c. leading to said beaches.

SECT. 4. *And be it further enacted*, That no person shall presume to leave open any bars or gates athwart any road that leads to the said beaches, on penalty of *six shillings*; which penalty may be recovered by any person of the town of *Wells*, the whole thereof to be to him or them that shall sue for the same.

In case any dispute arise, how the same may be determined by the oath of the plaintiff, &c.

SECT. 5. *And be it further enacted*, That in case any dispute arise upon any action, bill, plaint or information, brought as aforesaid, where the plaintiff, complainant or informer shall charge the defendant in trespass for cutting or carrying off any grafs from said beaches, or leaving open any bars or gates as aforesaid, then and in such case if the plaintiff, complainant or informer, or his agent or attorney, shall make oath *bona fide*, that there hath been cut or carried away to the best of his judgment, any certain quantity of grafs, or that any bars or gates have been left open as mentioned in the writ, and that he suspects the defendant to have committed the said trespasses, and although the plaintiff, complainant or informer, or his agent or attorney, may not be able to produce any other evidence thereof, than such circumstances as render it highly probable in the judgment of the Court or Justice before whom the trial is, then and in every such case, unless the defendant shall acquit himself upon oath (to be administered to him by the Court or Justice that shall try the cause) the plaintiff shall recover against the defendant damages and costs; but if the defendant shall acquit himself upon oath as aforesaid, the Court or Justice may and shall enter up judgment for the defendant to recover against the plaintiff double his cost occasioned by such prosecution.

Unless.

Officers to be chosen to see this Act carried into execution.

SECT. 6. *And be it further enacted*, That the said town of *Wells* at their meeting in *March* annually for the choice of town-officers be and hereby are authorized and empowered to choose two or more persons, whose duty it shall be to see that this Act be observed, and prosecute the breakers thereof, who shall be sworn to the faithful discharge of their office; and in case any person so chosen shall refuse to be sworn, he shall forfeit and pay *sixteen shillings* for the use of the poor of the said town of *Wells*; and the said town of *Wells*, at a town-meeting warned for that purpose, may, at any time before *March* next, choose such officers, who shall continue until their annual meeting in *March* next: This Act to be in force until the first day of *September*, one thousand seven hundred and sixty, and to the end of the then next sitting of the General Court, and no longer.

Penalty for not serving.

Limitation.

[This Act passed September 1, 1757.]

An ACT to prevent Damage being done on the Meadows and Beaches lying in and adjoining on the north Side of the Town of *Harwich*, between *Skeket Harbour*, on the east, and *Quivet Harbour*, on the west.

Preamble.

WHEREAS many persons frequently drive numbers of neat cattle, horses, sheep and swine, to feed upon the beaches, meadows and shores, adjoining to the north side of *Harwich*, lying between *Skeket Harbour*, on the east, and *Quivet Harbour*, on the west, whereby the ground is much broken and damaged, and the sand blown on said adjoining meadows and upland, to the great damage, not only of sundry private persons in their property, but also to the inhabitants of said town in general:

Penalty for turning creatures on the beaches, &c.

SECT. 1. *Be it enacted by the Governor, Council and House of Representatives*, That from and after the publication of this Act, no person or persons shall presume to turn any neat cattle, horse kind, sheep or swine to or upon any of the beaches, meadows or shores that lie on the north side of the town of *Harwich*, between *Skeket Harbour*, on the east, and *Quivet Harbour*, on the west, at any time between the first day of *April* and the last day of *October* yearly, during the continuance of this Act, on penalty of paying, for each offence, *five shillings* a head for neat cattle, horses or mares of one year old or upwards, and *one shilling*

ling a head for each sheep or swine that shall be turned or found on said beaches, meadows or shores, within the limits aforesaid ; which penalty shall be recovered by the Selectmen or Treasurer of the said town of *Harwich*, or any other person that shall inform of and sue for the same ; the one half of said forfeiture to him or them that shall inform of and sue for the same, the other half to be to and for the use of the poor of said town.

SECT. 2. *And be it further enacted*, That if any neat cattle, horse kind, sheep or swine, shall at any time hereafter be found feeding on the said beaches, meadows or shores, that lie between said *Skeket Harbour* and said *Quivet Harbour*, in said *Harwich*, it shall and may be lawful for any person to impound the same, immediately giving notice thereof to the owner, if known, otherwise to give public notice thereof by posting the same up in some public place in said town, and the two next adjoining towns ; and the impounder shall relieve the said creatures with suitable meat and water while impounded ; and if the owner thereof appear to redeem his impounded creatures, he shall pay *one shilling and six pence* to the impounder, for each neat beast and horse kind, and *six pence* for each sheep and swine, and the reasonable cost of relieving, besides the pound-keeper's fees, as by law appointed for such creatures ; and if no owner appear within the space of six days, to redeem the said cattle, horse kind, sheep or swine, so impounded, and to pay the cost and damage occasioned by impounding the same, then, and in every such case, the person impounding such cattle or horse kind, sheep or swine, shall cause the same to be sold at public vendue, and pay the cost and charges arising about the same, public notice of the time and place of such sale to be given in the said town of *Harwich*, and in the towns of *Eastham* and *Yarmouth*, forty-eight hours beforehand ; and the overplus, if any there be, arising by such sale, to be returned to the owner of such cattle or horse kind, sheep or swine, at any time within twelve months next after, upon his demanding the same ; but if no owner appear within the said twelve months, then the said overplus shall be one half to the party impounding such cattle, horse kind, sheep or swine, and the other half to the use of the poor of the said town of *Harwich*.

Creatures to be impounded.

To be sold, if not redeemed.

SECT. 3. *And be it further enacted*, That the said town of *Harwich*, at a meeting of said town called for that purpose, or at their meeting in *March* annually for the choice of town-officers, be authorized and empowered to choose one or more meet person or persons whose duty it shall be to see to the due observance of this Act, and to prosecute the breakers thereof, and who shall be sworn to the faithful discharge of their office. And in case any person so chosen shall refuse to be sworn, he shall forfeit and pay *ten shillings* for the use of the poor of said town of *Harwich*, and upon such refusal said town from time to time to proceed to a new choice of such officer or officers until one or more person or persons will serve therein : *Provided*, That nothing in this Act shall be construed to prevent the owner or owners of such beach or meadows, or any improving under them, from turning on their horses they ride, or cattle they improve in their teams, to feed on said beach or meadows while they are cutting or carting their hay off said beach or meadows adjoining : This Act to continue and be in force for the space of ten years from the publication thereof, and no longer.

Persons to be chosen to see to the due observance of this Act.

Proviso.

Limitation.

[This Act passed *February 31, 1761.*]

An ACT in addition to an Act made and passed this present Year, entitled, "An Act to prevent Damage being done on the Meadows and Beaches lying in and adjoining to the north Side of the Town of *Harwich*, between *Skeket Harbour*, on the east, and *Quivet Harbour*, on the west."

BE it enacted by the Governor, Council and House of Representatives, That the town of *Eastham*, in conjunction with the Proprietors of the meadows and sedge ground lying to the eastward of the westernmost point of rocks in said *Harwich*, shall make and keep up a two-rail fence, during the continuance of this Act, on or near the place, as usual, on the east side of great *Skeket Harbour*, beginning at the land lately of *Nathaniel Freeman, Esq.* deceased, and thence extending northerly on the flats or sedge ground near half a mile, or keep a watch, as the Proprietors of each town shall agree : *Provided*, That if at any time any neat cattle, horses, sheep or swine shall be found on any of the said meadows

Eastham and Harwich directed to keep up fence or watch.

Proviso.

meadows or beaches within the town of *Harwich*, which went through that part of the fence allotted to the town of *Harwich* to erect and maintain, or at the time when the said town of *Harwich* should keep a watch, that in such case it shall not be lawful to impound any of the creatures belonging to the said town of *Eastham*: This Act to continue and be in force for the space of three years from the first day of *May*, this present year, and no longer.

[This Act passed *April* 21, 1761.]

An ACT for preventing Mischief by unruly Dogs, on the Island of *Nantucket*.

Preamble. WHEREAS much damage has been done by unruly and mischievous dogs, in worrying and killing sheep and lambs, on the island of *Nantucket*, by reason of great numbers of such dogs being kept by Indians as well as English inhabitants there :

Dogs may be killed in Nantucket. SECT. 1. *Be it therefore enacted by the Governor, Council and House of Representatives*, That from and after the publication of this Act, it shall and may be lawful for any person or persons within the county of *Nantucket*, to kill any dog or bitch whatsoever, that shall at any time be found there.

Fine for keeping dogs. SECT. 2. *And be it further enacted*, That whosoever shall presume to keep any dog or bitch, on the said island of *Nantucket*, after the publication of this Act, shall forfeit and pay the sum of *one pound*, to be sued for and recovered by the major part of the Selectmen of the town of *Sherburn*, for the time being, before any of His Majesty's Justices of the Peace there, one half to the Selectmen that shall sue for the same, and the other half to the poor of said county.

No action to lie against any person that kills a dog. SECT. 3. *And be it further enacted*, That no action shall lie, be heard or tried at any Court within this Province, against such person as shall kill or destroy any such dog or bitch found as aforesaid, but shall be utterly barred by virtue of this Act : This Act to continue and be in force for the space of three years from the publication thereof, and no longer.

Limitation.

[This Act passed *June* 27, 1743.]

An ACT to prevent Damage being done in the Woods in *Plymouth, Sandwich, Barnstable, Falmouth, and Wareham*, by hunting with Hounds and Dogs.

Preamble. WHEREAS great damage has been done by hunting in the woods between *Plymouth, Sandwich, Barnstable, Falmouth, and Wareham*, by hunting with hounds and dogs in said woods, in each of the said towns, and large numbers of sheep have been destroyed by said practice:

No person to hunt with dogs between the 10th of May and 5th of Dec. annually. SECT. 1. *Be it therefore enacted by the Governor, Council and House of Representatives*, That from and after the tenth day of *May* annually, to the fifth day of *December*, no person shall be allowed to hunt with dogs or hounds, in either of the towns of *Plymouth, Sandwich, Barnstable, Falmouth, or Wareham*, on any pretence whatever.

Penalty, how to be applied, and how to be sued for. SECT. 2. *And be it further enacted*, That if any person or persons shall be convicted of hunting with dogs or hounds, in any of said towns, between the said tenth day of *May*, and the fifth day of *December*, during the continuance of this Act, he shall forfeit and pay the sum of *twenty shillings* for each offence, one half to the informer, and the other half to the poor of the town where the offence shall be committed; and said offenders may be complained of and prosecuted before any of His Majesty's Justices of the Peace, within the county of *Plymouth or Barnstable*, or in any other county within this Province.

Inhabitants of the towns mentioned not to hunt in other towns. SECT. 3. *Be it further enacted*, That none of the inhabitants of the towns of *Plymouth, Sandwich, Barnstable, Falmouth, or Wareham*, shall be allowed to hunt with hounds or dogs, in any other towns within this Government, from the said tenth day of *May*, to the fifth day of *December*, during the continuance of this Act, under the penalties before mentioned in this Act; and any persons belonging to said towns, that shall hunt in the other towns, contrary to the true intent of this Act, shall and may be prosecuted in the like manner as is before provided; that is, before any Justice of the Peace in the county where the offence is committed, or in any other county within this Province : This Act to continue and be in force for the space of three years from the first day of *August* next, and no longer.

Limitation.

[This Act passed *June* 25, 1765.]

An

An ACT for regulating Town-Meetings in the Town of *Danvers*.

WHEREAS the two parishes in the town of *Danvers*, now known by the name of the North and South Parish within said town, on the second day of *July*, one thousand seven hundred and fifty-one, by a Committee from each parish, did enter into agreement with each other, that when they should be incorporated into a town, the town-meetings should be convened and held, one year in one parish, and the next year in the other, and that the major part of the Selectmen and Assessors to be afterwards chosen for said town, shall be inhabitants of the parish where such meeting should be held; and that each parish should share equally in all profits and benefits that should afterwards accrue to said town: And whereas the town of *Danvers*, notwithstanding the aforesaid agreement, have held a town-meeting, passed votes, and chosen Selectmen and Assessors, directly contrary to said agreement, and greatly tending to the disquiet of the whole town of *Danvers*, whereby the inhabitants of the North Parish in particular, are defeated of the advantages of their said agreement, and many evils have already arisen, and are likely thereupon to arise to said town, if not speedily prevented: For remedy whereof,

Preamble.

SECT. 1. *Be it enacted by the Governor, Council and House of Representatives*, That from and after the first day of *March* next, during the continuance of this Act, all town-meetings, to be holden within and for the town of *Danvers*, shall be convened and held, the one year in the North, and the next in the South Parish in said town successively, and that there shall be chosen the major part of the Selectmen and Assessors out of the same parish where the meeting shall be so held: And all town-meetings held in and for the said town of *Danvers*, for one year next after the first day of *March* next ensuing, shall be convened and held at some convenient place in the said North Parish in *Danvers*, and the major part of the Selectmen and Assessors shall be chosen within the bounds or limits of the said North Parish for the same year, and so, *toties quoties*, for each parish in a regular annual succession to hold meetings, and choose their town officers in the manner as is above expressed.

Town meetings to be held, and the major part of the Selectmen, &c. to be chosen alternately in N. & S. parishes.

SECT. 2. *And be it further enacted*, That the Selectmen of said town are hereby empowered and directed, whenever it shall be necessary, to notify or warn a town-meeting, to direct their warrant to the Constable or Constables of said town, and to make the directions therein conformable to the rules and restrictions in this present Act made and provided; and the said Constable or Constables are hereby required to take notice thereof, and to notify and warn the inhabitants of said town accordingly: And all town-meetings, warned or held in the town of *Danvers*, contrary to the rules in this present Act made and provided, and all transactions, matters and things, transacted and done at any such meeting, shall be considered as null and void in law, to all intents and purposes.

Selectmen and Constables, to conform to this Act.

SECT. 3. *And be it further enacted*, That all privileges, profits, bequests, benefits or emoluments, accruing to the inhabitants of *Danvers*, as a town, shall be equally shared by the said parishes, according to the nature and tenure of their agreement as aforesaid; any law, usage or custom to the contrary notwithstanding: This Act to continue and be in force for the space of three years from the first day of *March* next, and no longer.

Town meetings held, and proceedings thereat contrary to this Act, declared void.

All privileges, &c. to be shared by said parishes.

[This Act passed 1772.]

An ACT for the Preservation and Increase of Moose and Deer, on *Tarpolin Cove Island*, and *Nennemesset Island*, lying and being in the County of *Dukes County*.

WHEREAS *James Bowdoin* and *William Bowdoin*, Esquires, by their petition to this Court have represented that they have been long endeavouring to raise a stock of deer on *Tarpolin Cove Island*, otherwise called *Nauskam*, or *Catamock*, and on the island *Nennemesset*, and several small islands contiguous, (said islands being in the town of *Chilmark*, in the county of *Dukes County*;) but have been in a great measure prevented, by hunters and others coming on said islands to hunt and kill deer, to the great damage of the said petitioners, not only in the loss of deer, but of other live stock, which has been clandestinely taken away by said hunters, or destroyed by their dogs: And whereas the raising and increase of moose and deer on said islands may be of great advantage, not only to the said petitioners and their successors, but also to the public:

Preamble.

SECT.

SECT. 1. *Be it enacted by the Governor, Council and House of Representatives,* That each and every person, (except the said petitioners, or such as shall be Proprietors of said islands, or such as shall have special license from them,) who shall after the twentieth day of *July* in this present year, one thousand seven hundred and sixty-five, hunt, wound, kill or take away any moose or deer, upon either of the islands aforesaid, or be concerned or assisting therein, and be thereof convicted, either by his own confession, or by the oath of one witness, shall, for each and every time he shall so hunt, or for each and every moose or deer he shall so wound, kill or take away, pay a fine of *six pounds*, and costs of prosecution; one moiety of said fine to be to his Majesty for the use of this Province, and the other moiety thereof to him; or them that shall inform against, and prosecute the offender to effect: Such prosecution to be commenced within two years after the offence done.

Penalty.

Offenders deemed trespassers, and may be sued accordingly.

Proviso.

The flesh and skins deemed to be evidence, unless proof be made that they were not killed contrary to law.

Lawful to kill dogs found on the islands, not belonging there.

Limitation.

SECT. 2. *And be it further enacted,* That every person killing or taking away, or assisting in killing or taking away any moose or deer, on either of the islands aforesaid, shall be and hereby is deemed a trespasser, and is hereby subjected to the action of such as are, or shall be the Proprietor or Proprietors of all, or any of said islands, or to the action of any or either such Proprietors for the recovery of *six pounds*, for each and every moose or deer so killed or taken away, if such Proprietor or Proprietors shall choose rather to bring an action of trespass against such offender, than a prosecution: *Provided,* That such trespasser shall not for one and the same offence be subjected both to an action and a prosecution; and if both shall be brought against the same offender for the same offence, the Proprietors shall be obliged to make their option, which they will continue, and shall discontinue the other.

SECT. 3. *And be it further enacted,* That if the flesh, skin or skins of any moose or deer, newly killed, be at any time after the twentieth day of *July* aforesaid, found with, or in the possession of, any person or persons whatsoever, (except as before excepted,) on either of the islands aforesaid, it shall be deemed sufficient proof of such person or persons having killed moose or deer contrary to this Act, unless such person or persons shall prove by evidence, that such moose or deer were not killed on either of the said islands, or killed thereon by persons authorized to kill the same.

SECT. 4. *And be it further enacted,* That it shall be, and hereby is declared to be lawful for any person or persons to kill any dog or hound, that may at any time be brought or found on any of the islands aforesaid not belonging to the said islands, or some of the inhabitants of the same: This Act to continue and be in force for five years from the twentieth day of *July*, one thousand seven hundred and sixty-five, and no longer.

[This Act passed *June 25, 1765.*]

An ACT to prevent Damage by Fire, in the Towns of *Boston* and *Charlestown*.

Preamble.

WHEREAS great damage has many times arisen from fires, which have begun in sail-makers' and riggers' lofts, and spread to the buildings adjacent:

Sail-makers' lofts in Boston and Charlestown to be allowed of by the Selectmen.

Penalty for offending.

Limitation.

Be it enacted by the Governor, Council and House of Representatives, That from and after the first day of *September*, which shall be in the year of our Lord, one thousand seven hundred and forty-nine, it shall not be lawful for any person to occupy or improve any tenement or building whatsoever in any part of the towns of *Boston* or *Charlestown*, for the business or employment of a sail-maker or rigger, save only in such parts of the town as the Selectmen of the said towns respectively, or the major part of them, shall determine convenient, such determination to be certified under the hand of the Town-Clerk: And if any person shall offend against this Act, he shall forfeit and pay the sum of *twenty pounds* for every six months, and so in proportion for a greater or less time he shall so occupy or improve any tenement or building that shall not be licensed or allowed as aforesaid; one half thereof to and for the use of the poor of the town of *Boston* or *Charlestown* respectively, the other half to him or them that shall inform and sue for the same, to be recovered before the Court of General Sessions of the Peace for the county where the offence shall be committed: This Act to continue and be in force until the first day of *September*, one thousand seven hundred and fifty-two, and no longer.

[This Act passed *February 2, 1748.*]

An

An ACT to prevent any Person's obstruſting the Fiſh, in their paſſing up into *Monatiquot River*, within the Town of *Braintree*. Vol. II. 285.

WHEREAS the Aſt made and paſſed in the fourteenth year of his preſent Majesty's reign, entitled, "An Aſt to prevent any perſon's obſtruſting the fiſh, in their paſſing up into *Monatiquot River*, within the town of *Braintree*," hath been found beneficial to the ſaid town, and towns adjacent; but is now expired: Preamble.

Be it enacted by the Lieutenant Governor, Council and Houſe of Representatives, That no perſon or perſons whoſoever, from the firſt day of *February* next, to the laſt day of *May* yearly, during the continuance of this Aſt, ſhall preſume to take, kill or hale aſhore any fiſh, with ſeines or drag-nets, in the ſaid river *Monatiquot*, or in any part of the river, between the town of *Weymouth* and ſaid town of *Braintree*, through which they paſs into the ſame, upon pain of forfeiting, for each and every offence, on due conviction thereof, the ſum of *ten pounds*, to be recovered by action, bill, plaint or information, in any of His Majesty's Courts of Record proper to try the ſame, the one half of the ſaid forfeitures to be to and for the uſe of the towns of *Weymouth* and *Braintree*, in equal proportion, the other half to him or them who ſhall inform and ſue for the ſame: This Aſt to continue and be in force for the ſpace of three years from the firſt day of *February* next, and no longer. Seafon for taking fiſh. — Penalty for breach of this Aſt. Limitation.

[This Aſt paſſed *January 9, 1749*]

An ACT in addition to the ſeveral Aſts made to prevent Damage by Fire in the Town of *Boston*.

WHEREAS great damage has ariſen from fire, which has began in bake-houſes, and ſpread to the buildings adjacent: Preamble.

Be it enacted by the Governor, Council and Houſe of Representatives, That from and after the publication of this Aſt it ſhall not be lawful for any perſon to occupy or improve any tenement or building whatſoever, in any part of the town of *Boston*, for the buſineſs or employment of baking of bread for ſale, other than ſuch as are now occupied and improved for that uſe, unleſs in ſuch parts of the town as the Juſtices of the Peace and Selectmen of the ſaid town, or the major part of both, ſhall determine convenient, ſuch determination to be certified under their hands: And if any perſon ſhall offend againſt this Aſt he ſhall forfeit and pay the ſum of *forty pounds* for every ſix months, and ſo in proportion for a greater or leſſer time, he ſhall ſo occupy or improve any tenement or building that ſhall not be licenſed or allowed as aforeſaid, other than ſuch as are now occupied or improved for that uſe, one half thereof to be paid for the uſe of the poor of the town of *Boston*, the other half to him or them that ſhall inform and ſue for the ſame, to be recovered before the Court of General Seſſions of the Peace for the county of *Suffolk*: This Aſt to continue in force until the thirtieth day of *January*, one thouſand ſeven hundred and ſeventy-one, and no longer. Bake-houſes to be licenſed. — Penalty for improving ſuch without licenſe.

[This Aſt paſſed *June 12, 1762*.]

An ACT to enable the Collectors of Taxes in the Town of *Boston* to ſue for and recover the Rates and Taxes given them to collect, in certain Caſes.

WHEREAS notwithstanding the proviſion already made by the laws of this Province, reſpecting Conſtables and Collectors of taxes, it is repreſented that in many caſes there may be a failure, and the town of *Boston* have humbly deſired that remedy may be provided for their Collectors in thoſe caſes: Preamble.

SECT. 1. *Be it therefore enacted by the Governor, Council and Houſe of Representatives,* That where any perſon duly rated in the ſaid town, hath abſconded, or ſhall abſcond, not having paid ſuch rates, and hath concealed, or ſhall conceal his goods and eſtate, in ſuch caſes the Collectors and Conſtables of ſaid town ſhall have like remedy againſt the Agents, Factors or Truſtees of ſuch abſconding perſon, for the recovery of the rates and taxes given them to collect, of ſuch abſconding perſon, as by the laws of this Province other creditors have for recovery of their debts. In what caſes Collectors of taxes in *Boston* may ſue for the ſame.

SECT. 2. *And be it further enacted*, That where any person duly rated in the said town hath died, or shall die before payment of the said rates; and where any Constable or Collector of the said town hath died, or shall die, before he hath collected the rates and taxes given him to collect; and where any person duly rated in the said town hath removed, or shall remove, out of it into some other town in this Province; and where any *seme sole*, being duly rated in the said town, hath intermarried, or shall intermarry, before payment of such rates; and where the time for payment to the respective Treasurers being elapsed, the Collectors or Constables in the said town shall have paid the whole sums given them to collect in each year; in all such cases it shall and may be lawful for the Collectors or Constables of the said town, their executors and administrators, and they are hereby empowered to sue for such rates and taxes: And they shall have all the like remedies for recovery thereof as other creditors have for recovering their proper debts: This Act to continue and be in force for two years, from the first day of *February*, one thousand seven hundred and sixty-four, and no longer.

Limitation.

[This Act passed *February 4, 1764.*]

An ACT in addition to the Act, entitled, “An Act to prevent the unnecessary Destruction of Alewives in the Town of *Middleborough.*”

Preamble.

WHEREAS in and by the Act, entitled, “An Act to prevent the unnecessary destruction of alewives in the town of *Middleborough,*” made in the twenty-second year of his late Majesty King *George the Second*, all persons are prohibited taking or catching alewives within the town of *Middleborough*, save at the old *Stone Ware*, so called, in *Namasket River*, and at such place in *Assawampset Brook* as said town should appoint: And whereas the prohibition and restriction aforesaid has been found inconvenient: Therefore,

Alewives may be taken at the flitting-mill, with leave of the owner.

SECT. 1. *Be it enacted by the Governor, Council and House of Representatives*, That during the season wherein alewives shall pass up said *Namasket River* to spawn, in the year one thousand seven hundred and sixty-five, it shall be lawful for the inhabitants of said town of *Middleborough* to catch alewives at or near the place where the flitting-mill now stands on the said river, on the Mondays, Tuesdays and Wednesdays of every week; liberty of taking fish there being first obtained from the owner or owners of said mill: *Provided nevertheless*, That it shall be lawful for said town at a legal meeting of the inhabitants to dispose of, and grant, for that year, the sole privilege of catching alewives, on the days of the week abovementioned, at or near the mill aforesaid, (liberty therefor being first obtained of the owners as aforesaid) to such person or persons as shall offer most for the same, and give sufficient security forthwith for payment of the sum offered, at such time and in such manner as the inhabitants of said town shall assign and order, either by themselves, at a town-meeting, or by such as they shall appoint and authorize for that purpose.

Privilege of catching may be sold by the town.

Price at which the fish caught may be sold.

SECT. 2. *And be it further enacted*, That no purchaser of the privilege aforesaid shall receive for any alewives that may be there caught, more than *one shilling* for each hundred of said fish, and so *pro rata* for any less or greater number.

Penalty for catching fish contrary to this Act.

SECT. 3. *And be it further enacted*, That any purchaser of the privilege aforesaid, who shall take or catch any of said fish at or near the mill aforesaid, or shall allow or connive at any other person taking any such fish there at any other time than that limited for that purpose as aforesaid, and every other person whosoever that shall catch any such fish on any days other than those herein beforementioned, whether the privilege aforesaid shall have been disposed of to any particular person or persons or not, shall forfeit and pay the sum of *five pounds* and costs of suit to him or them who shall sue therefor, in any Court proper to try the same.

[This Act passed 1764.]

An ACT to prevent the taking of the Fish called Bafs, in the River *Parker*, in the Town of *Newbury*, in a certain Season of the Year. Vol. II. 117.

WHEREAS it has been found that the taking and destroying the fish called bafs, in the river *Parker*, in the town of *Newbury*, in the winter season, hath been very injurious to the inhabitants of said town, and the adjacent towns, and almost destroyed that sort of fish in said river: Wherefore, Preamble.

Be it enacted by the Governor, Council and House of Representatives, That if any person or persons shall at any time hereafter during the continuance of this Act, between the fifteenth day of *November* and the fifteenth day of *April* annually, take or destroy any of the fish called bafs within the said river *Parker*, he or they shall forfeit and pay the sum of *thirty shillings* for each offence, to be recovered, with costs of prosecution, before any of his Majesty's Justices of the Peace for the county of *Essex*; the one half of such forfeiture to be applied to and for the use of the person or persons who shall sue for the same, and the other half to the use of the poor of the said town of *Newbury*: This Act to continue and be in force five years from and after the first day of *May*, one thousand seven hundred and seventy-one, and no longer. Penalty for destroying fish.

[This Act passed April 26, 1771.] Continuation.

An ACT to prevent Damage being done on a Beach at *Monument Ponds*, in the Township of *Plymouth*, lying between the Lands of the late *Thomas Clark* and *Joseph Barilet*, deceased, and on a certain Tract of Marshy Ground, lying under Water there.

WHEREAS cattle for years past have been suffered to feed on said beach, by which means it has been greatly lowered, and the sand of the same blown into a brook adjoining, which issues out of a fresh pond, into which quantities of alewives formerly used to pass to cast their spawn, as also on a great part of said meadow, thereby preventing the fish passing up to spawn, and occasioning the overflowing of said meadow, to the damage of the Proprietors of the said lands, and to the public: Preamble.

SECT. 1. Be it enacted by the Governor, Council and House of Representatives, That from and after the tenth day of *May* next, the Proprietors of said beach and marsh shall have full power, at any meeting by them called, to agree upon lowering and keeping down the aforesaid brook, as by a major vote of said Propriety, at any such meeting, they shall think proper, and that the charges arising by the same shall be borne, from time to time, by each Proprietor, in proportion to their respective interests. Powers granted to the Proprietors of said beach and marsh.

SECT. 2. And be it further enacted, That no person or persons shall presume to turn or drive any neat cattle, horse kind or sheep upon the aforesaid beach or meadow adjoining, on the penalty of *ten shillings* per head for neat cattle or horses, and *three shillings* for each sheep so turned or found upon said beach or meadow, which penalty shall be recovered by any person that shall inform or sue for the same, one half of the forfeiture to him or them that shall inform and sue for the same, the other half for the use of the said Proprietors. Penalty for turning neat cattle, horse kind or sheep on said beach or meadow.

SECT. 3. And be it further enacted, That if any neat cattle, horse kind or sheep shall at any time be found feeding on said beach or meadow, it shall be lawful for any person to impound the same, immediately giving notice to the owner or owners of the same, if known, otherwise to give public notice thereof in the town of *Plymouth* aforesaid, and the impounder shall relieve said creatures with suitable meat and water while impounded; and if the owner thereof appear he shall pay *two shillings and six pence* for each neat beast or horse kind, and *eight pence* for each sheep, and the reasonable cost of relieving them, besides the pound-keeper's fees, and if no owner appear within the space of three days to redeem the said cattle, horse kind or sheep so impounded, and to pay the cost and damage occasioned by impounding the same, then and in every such case the person or persons impounding such cattle, horse kind or sheep, shall cause the same to be sold at public vendue, and pay the cost and charges arising about the same, public notice of the time and place of such sale being given in the said town of *Plymouth* and the two neighbouring towns forty-eight hours before the sale) and the overplus, if any there be, arising by such sale, to be returned to Cattle, &c. to be sold, in case.

Proviso.

Limitation.

to the owner or owners of such cattle, horse kind or sheep at any time within two months next after such sale, upon his demanding the same; but if no owner appears within two months, then the said overplus shall be one half to the person impounding, and the other half to the use of the said Proprietors: *Provided*, That nothing in this Act shall be construed to prevent the owners of said beach and meadow from granting liberty to any of their Propriety to allow any of the cattle, horse kind or sheep of the said Proprietors to go upon said beach or meadow as they shall order at any of their legal meetings: This Act to continue and be in force for the space of seven years from the tenth day of *May* next, and no longer.

[This Act passed *April 28, 1760.*]

An ACT to prevent the Destruction of the Meadow called *Sandy Neck Meadow*, in *Barnstable*, and for the better Preservation of the Harbour there.

Preamble.

WHEREAS there is a certain parcel of salt meadow called *Sandy Neck Meadow*, in the township of *Barnstable*, on which many of the inhabitants of that and other towns greatly depend for their hay, and the said meadow lies adjoining to a sandy beach near six miles in length, on which no fence can be made to stand; and by reason of neat cattle and horses being turned thereon to feed, the beach grass is destroyed, and the said beach trod loole, by reason whereof, in high winds and storms, the sand blows upon said meadow, and into said harbour, and the whole of said meadows are in great danger of being covered with sand, and also said harbour is in great danger of being spoiled by the sand's blowing therein, if not timely prevented:

No person to turn or drive cattle, &c. on *Sandy Neck* on penalty.

SECT. 1. *Be it therefore enacted by the Governor, Council and House of Representatives*, That from and after the publication of this Act, no person or persons shall presume to turn or drive any neat cattle or horse kind to or upon said *Sandy Neck*, any where to the eastward of *Sandwich* line, to feed thereon, upon the penalty of *ten shillings* a head, for all neat cattle and horse kind that shall be turned or found feeding on said neck or meadow adjoining; which penalty shall be recovered by the Selectmen or Treasurer of said town of *Barnstable*, or any other person that shall inform and sue for the same, the one half of the said forfeiture to him or them who shall inform and sue for the same, the other half to be to and for the use of the poor of the said town.

Cattle, &c. found feeding contrary to this Act to be impounded, &c.

SECT. 2. *And be it further enacted*, That if any neat cattle, or horse kind shall at any time hereafter be found feeding on the said *Sandy Neck* and meadows adjoining, east of *Sandwich* line as aforesaid; that it shall and may be lawful for any person to impound the same, immediately giving notice to the owners, if known, otherwise to give public notice thereof in the said town of *Barnstable*, and the two next adjoining towns; and the impounder shall relieve the said creatures, with suitable meat and water while impounded; and if the owner thereof appear, he shall pay the sum of *two shillings and six pence* to the impounder for each neat beast and horse kind, and the reasonable cost of relieving them, besides the pound-keeper's fees: And if no owner appear within the space of six days to redeem the said cattle or horse kind so impounded and to pay the damages and costs occasioned by impounding the same, then, and in every such case, the person or persons impounding such cattle or horse kind, shall cause the same to be sold at public vendue, to pay the costs and charges arising about the same, (public notice of the time and place of such sale to be given in said town of *Barnstable*, and in the town of *Sandwich*, forty-eight hours beforehand;) and the overplus, if any there be, arising by such sale, to be returned to the owner of such cattle or horse kind, at any time within twelve months next after, upon his demanding the same; but if no owner appear within said twelve months, then the overplus shall be one half to the party impounding, and the other half to the use of the poor of the said town of *Barnstable*.

Officers to be annually chosen.

SECT. 3. *And be it further enacted*, That the said town of *Barnstable*, at their meeting in *March* annually for the choice of town officers, be authorized and empowered to choose one or more meet person or persons, whose duty it shall be to see that this Act be observed, and prosecute the breakers thereof, who shall be sworn to the faithful discharge of their office; and in case any person so chosen shall refuse to be sworn, he shall forfeit and pay *ten shillings* to the

Penalty for refusing.

the poor of said town of *Barnstable*, and said town to proceed to choose others in their room; and the said town of *Barnstable* at a town-meeting warned for that purpose may, at any time before *March* next, choose such officers, who shall continue to their annual meeting in *March* next: This Act to continue and be in force for the space of five years from the publication thereof, and no longer.

Limitation.

[This Act passed *April 27, 1747.*]

An ACT providing for the Support of Ministers in new Plantations.

WHEREAS the power by law granted to the Courts of General Sessions of the Peace within this Province, to afford relief to Ministers who shall not be suitably supported, is so restrained as not to extend to the relief of such Ministers as are or may be settled in new plantations, not erected into towns or districts; and it being necessary that provision be made by law, for the encouragement and maintenance of such:

Preamble.

SECT. 1. *Be it therefore enacted by the Lieutenant-Governor, Council and House of Representatives*, That in case of neglect in the Proprietors or Occupants of any new plantation within this Province, in fulfilling their contract or agreement with the Minister or Ministers of such plantation, qualified as the law directs, respecting his or their settlement or support, the Court of General Sessions of the Peace within and for the county wherein such plantation is, are hereby empowered and directed, upon application to them made for that purpose, to provide for the relief of such Minister or Ministers: And in case the Assessors for such new plantation, do or shall neglect duly to assess and apportion the full sum voted or agreed on for the settlement or support of such Minister or Ministers, according to the true intent of the contract, the said Court are hereby empowered and directed to appoint three or more sufficient freeholders within the same county, to assess the Occupants or Proprietors who are parties to such contract, such sum as, at the time of making such application, shall be judged by said Court to be due to such Minister or Ministers by virtue of such contract, together with such further sum (in case payment has been long and unreasonably delayed) as said Court shall judge sufficient, to afford to such Minister or Ministers meet recompense for any damages sustained by such neglect; such assessment to be made on the Occupants or Proprietors in such proportion as they may have agreed among themselves, or if no such agreement shall appear, as said Court shall judge most just and equitable; and said Court shall make out and affix to a list of such assessment, a warrant, in like form, *mutatis mutandis*, as is by law prescribed for levying and collecting of town rates or assessments, which warrant shall be signed by the Clerk of such Court, and directed to the Collector or Collectors of taxes in such plantation, if any there be, or to such person or persons as said Court shall appoint for that purpose, requiring him or them to collect and levy the sum total of the said list, and to pay in the same unto such Minister or Ministers, or to such person or persons as said Court shall appoint to receive the same, for his or their use; and such Collector or Collectors, or other person or persons to whom such warrant shall be directed, are hereby fully authorized to execute the same, and to collect such assessment of the persons named in such list, wheresoever they may be found within this Province.

Ministers of new plantations, their salaries to be assessed by the Court of General Sessions of the Peace.

Warrant in usual form to be directed to the Collectors to collect said assessment.

SECT. 2. *And be it further enacted*, That when and so often as timely payment of his or their dues shall be withheld from the Minister or Ministers of such new plantation, the Justices of the said Court of General Sessions of the Peace, are hereby empowered and directed to convene before them the Assessors, Collector or Collectors, or such others as have been or may be specially appointed by the Occupants or Proprietors of such plantation, to take care in that matter, and upon conviction of neglect therein, to impose a fine on each delinquent, not exceeding *forty shillings* for the first offence, and upon every after conviction of such neglect, to impose a fine of *four pounds*, to be levied by distress and sale of the offender's goods, and to be applied for the making of meet satisfaction unto the Assessors or Collectors that may have been appointed and employed by said Court, in the service aforesaid, the remainder, if any be, to be paid to the County-Treasurer, for defraying the necessary charges of the county: This Act to continue and be in force for the space of five years from the publication thereof, and no longer.

Delinquent Assessors and Collectors to be convened before the Court.

Fine to be imposed.

Limitation.

[This Act passed *April 27, 1751.*]

An

An ACT to prevent Damage being done on the Beach, Hummocks and Meadows belonging to the Town of *Scituate*, lying between the southerly End of the *Third Cliff*, so called, and the Mouth of the *North River*.

Preamble.

WHEREAS persons frequently drive numbers of neat cattle and horses, and sometimes sheep, if not restrained, to feed on the beach, hummocks and meadows of *Scituate*, lying between the *Third Cliff* and the mouth of *North River*, and oftentimes cut down trees and shrubs in said hummocks, and carry them away, whereby said beach is broken and the land made loose, and by the winds and storms is drove on the said meadows and flats or sedge ground; and there is great danger, if such practices are not prevented, that the said meadows and sedge ground will be utterly ruined, and the river greatly damaged:

Cattle found feeding on the beaches aforesaid to be impounded.

SECT. 1. *Be it therefore enacted by the Governor, Council, and House of Representatives*, That if any neat cattle, horse kind or sheep, shall, after the first day of *July* next be found feeding on said beach, hummocks or sedge ground adjoining to said beach, it shall and may be lawful for any person to impound the same, forthwith giving notice to the owner or owners, if known, otherwise to give public notice thereof by posting up notifications in some public place in said town of *Scituate*; and the impounder shall relieve said creatures with suitable meat and water while impounded; and if the owner thereof appear, he shall pay to the impounder *one shilling* a head for all neat cattle and horse kind; and *two pence* for every sheep, and also the reasonable costs for relieving them, besides the lawful fees to the pound-keeper: And if no owner appear within three days to redeem the said creatures so impounded, and pay as aforesaid, then and in every such case, the person or persons impounding such creatures shall cause the same to be sold at public vendue, and pay the penalties as aforesaid, with all other costs and charges arising about the same, (public notice of the time and place of such sale being first given in the said town of *Scituate*, and the two next adjacent towns, three several days beforehand;), and the overplus, if any there be, arising by such sale, to be returned to the owner or owners of such creatures, if he or they appear within two months next after such sale, upon his demanding the same; but if no owner appears within said two months to demand the same, then the said overplus shall be one half to the person impounding, and the other half to be returned to the Town-Treasurer for the use of the poor of the said town of *Scituate*.

To be sold, where the owner does not appear.

Disposal of the produce.

Penalty for cutting down trees or shrubs.

SECT. 2. *And be it further enacted*, That if any person or persons shall presume to cut down any tree or shrub standing or growing on said beach or hummocks, without leave or license first had and obtained of said town of *Scituate*, he or they so offending shall forfeit and pay to the use of said town the sum of *twenty shillings* for each tree or shrub so cut down: And all such methods and proof shall be allowed in any action to be brought by said town therefor, as is provided in an act made in the twelfth year of King *George* the First in addition to an Act made for preventing of trespasses: This Act to be in force for the space of ten years from the first day of *July* next.

Limitation.

[This Act passed *June 27, 1755.*]

An ACT to prevent the Destruction of Oysters in *Charles* and *Mythic Rivers*.*

Preamble.

WHEREAS so many oysters have been of late taken in *Charles* and *Mythic Rivers*, in time of oysters casting their spawn, as will soon totally destroy the oysters in said rivers if the said practice should be continued: For preventing the like for the future,

SECT. 1. *Be it enacted by the Governor, Council and House of Representatives*, That if any person or persons shall, after the twentieth of this instant *July*, and before

* A General Law "to prevent the destruction of oysters and other shell fish in this Commonwealth," was passed Feb. 26, 1796; but it does not appear that the above Act has been repealed. The same remark applies to another Act, made perpetual by the Act of March 7, 1797, to prevent the destruction of oysters and all other shell fish lying within the harbours, rivers, and bays within the limits of the towns of *Sandwich*, *Wareham*, *Dartmouth*, and *Westport*.

before the twentieth of *September* next, and afterwards during the continuance of this Act at any time from the first day of *May* to the twentieth of *September* annually, presume to take any oysters in either of the rivers aforesaid, he or they shall forfeit for every such offence the sum of *five pounds*.

SECT. 2. *Be it further enacted*, That if any person or persons shall sell or dispose of any oysters taken contrary to this Act, he or they for every such offence shall forfeit *forty shillings*.—All fines and forfeitures by this Act incurred, to be recovered by action of debt, or by presentment of the Grand Jury; one half thereof to him or them that shall inform or sue for the same, the other half to and for the use of the town where such oysters shall be taken.—This Act to continue and be in force for the space of three years from and after the first day of *August* next, and from thence to the end of the then next session of the General Court, and no longer.

[This Act passed *July*, 1772.]

Oysters not to be taken within a certain time on penalty 5l. Persons selling oysters taken within that time to forfeit 40l. Fines how to be recovered and applied. Continuation.

An ACT for the better regulating Porters employed within the Town of *Boston*.

WHEREAS the trade and business managed in the town of *Boston*, between the inhabitants thereof and others trafficking there, occasions many persons to resort to and attend about the wharves, docks, and other parts of the town, to convey and carry goods, wares and merchandizes from place to place, some of whom are not so well known as such an employment requires, others of no good character, yet oftentimes have goods of a considerable value put into their custody for conveyance as aforesaid, and some taking upon them the business of porters, impose upon those making use of them, more especially strangers, by exacting exorbitant wages for their labour, or refusing business, though not before employed, if they cannot have their unreasonable demands: Therefore, to avoid such inconveniencies for the future,

SECT. 1. *Be it enacted by His Excellency the Governor, Council and Representatives, in General Court assembled, and by the authority of the same*, That the Selectmen of the town of *Boston* for the time being, shall have full power and authority to order what number, and who shall be employed, and take upon them the business of carrying goods, wares and merchandizes for pay or wages, as common porters within the said town, and what rate or price such persons shall ask, receive and take for their labour, service and attendance, according to the distance of place or other circumstances the Selectmen shall order and ascertain; all which persons, so admitted by the Selectmen, shall at all times, when in the service or doing the business of porters, wear a badge or ticket with the figure of a pine tree marked thereon, on some part of his upper garment or girdle; which badge or ticket shall be numbered, and a fair entry of each porter's ticket made in the Selectmen's book, as also the wages they are to ask and receive, within ten days after the approbation of the Selectmen as aforesaid.

SECT. 2. *And be it further enacted by the authority aforesaid*, That whosoever shall presume to take up the business and employ of a common porter, and convey or carry goods and merchandize from place to place within the town of *Boston*, for hire or wages, without being admitted by the Selectmen as aforesaid, shall forfeit and pay the sum of *twenty shillings* for every time he shall be convicted thereof before any one of His Majesty's Justices of the Peace within the county of *Suffolk*, at *Boston* aforesaid, the one half of which fine or forfeiture shall be disposed of to and for the use of the poor of the town of *Boston*, the other half to him or them that shall inform and sue for the same.

SECT. 3. *And be it further enacted*, That whosoever, being admitted as a porter as aforesaid, shall ask, take and receive any more than what the Selectmen shall allow, for any work or service, shall, for every such exaction, forfeit and more for their pay the sum of *twenty shillings*, to be recovered and disposed of as by this Act is already directed; and if any person, admitted and approved of as aforesaid, as a common porter, shall officiate or concern himself in the business of transporting goods or merchandize, not having his badge or ticket, shall, for every such breach of this Act, forfeit and pay the sum of *twenty shillings*, to be recovered and disposed of as aforesaid.

SECT. 4. *Be it further enacted*, That the Selectmen shall require and take bond of each one of the porters, admitted as aforesaid, with sufficient surety, in a sum not exceeding *fifty pounds*, for their orderly and faithful acting in the business, fidelity.

Preamble. Boston to appoint porters, who are to wear badges numbered. Selectmen to state their wages. Selectmen of Boston to appoint porters, who are to wear badges numbered. Selectmen to state their wages. Fine for serving as porter without license. Penalty for porter's asking more work than is allowed by the Selectmen. Penalty for officiating without their badge. Selectmen to take security for the porter's fidelity.

business, more especially their safe conveying and delivering such goods as shall be committed to them; and that upon complaint made to the Selectmen, that any whom they may have admitted as aforesaid, do not behave and conduct themselves orderly, peaceably and quietly towards their employers, it being made to appear, the party accused being seasonably notified thereof, such person may be removed, and other meet and orderly persons admitted in his room: *Provided*, This Act be in force, and so continue for the space of seven years from the publication thereof, and no longer.

[This Act passed 1741.]

An ACT to prevent Damage being done on the Beach and Meadows in *Plymouth* adjoining to said Beach, commonly known by the Name of *Plymouth Beach*.

Preamble.

WHEREAS persons frequently drive numbers of neat cattle, horses and sheep, to feed upon *Plymouth Beach*, and the meadows adjoining to said beach, whereby the said beach is much broken, and the sea breaks over it, and carries the sand into the harbour and upon the meadows, and there is great danger, if such practices are not prevented, that the harbours in said town will be entirely ruined, and the meadows within said beach utterly spoiled, to the great damage of the owners thereof:

No neat cattle, horses or sheep to be turned on *Plymouth beach* or meadows.

SECT. 1. *Be it enacted by the Governor, Council and House of Representatives*, That from and after the publication of this Act, no person or persons shall presume to turn or drive on any neat cattle, horse kind or sheep upon the beach called *Plymouth Beach*, or upon the meadows adjoining, on the penalty of *ten shillings* a head for neat cattle or horses, and *three shillings* for each sheep that shall be turned or found on said beach or meadows; which penalty shall be recovered by the Selectmen or Town-Treasurer of said town of *Plymouth*, or any other person that shall inform or sue for the same; one half of said forfeiture to him or them that shall inform or sue for the same, the other half to be to and for the use of the poor of said town of *Plymouth*.

Creatures turned on said beach, &c. to be impounded.

SECT. 2. *And be it further enacted*, That if any neat cattle, horse kind or sheep shall at any time be found feeding on said beach, meadows or shores adjoining to said beach, that it shall and may be lawful for any person to impound the same, immediately giving notice to the owner or owners of the same, if known, otherwise to give public notice thereof in said town of *Plymouth*; and the impounder shall relieve said creatures with suitable meat and water while impounded; and if the owner thereof appear, he shall pay *two shillings and six pence* for each neat beast or horse kind, and *eight pence* for each sheep, and the reasonable cost of relieving them, besides the pound-keeper's fees; and if no owner appear within the space of three days, to redeem the said cattle, horse kind or sheep so impounded, and to pay the cost and damage occasioned by impounding the same, then, and in every such case, the person or persons impounding such cattle, horse kind or sheep, shall cause the same to be sold at public vendue, and pay the cost and charges arising about the same, (public notice of the time and place of such sale being given in the said town of *Plymouth*, and the two neighbouring towns, forty-eight hours beforehand;) and the overplus, if any there be, arising by such sale, to be returned to the owner or owners of such cattle, horse kind or sheep, at any time within two months next after such sale, upon his demanding the same; but if no owner appears within said two months, then the said overplus shall be one half to the person impounding, and the other half to be returned to the Town-Treasurer of said town of *Plymouth*, for the use of the poor of said town: *Provided*, That nothing in this Act shall be construed to prevent any of the owner or owners of said beach or meadows, or any improving under them, from turning on their horses they ride; or cattle improved in their teams, to feed on said beach or meadows while they are cutting or caring their hay off said beach or meadows adjoining.

Owners thereof to pay a fine and cost of relieving.

Creatures to be sold, in case.

Proviso.

Officers to be chosen to see this Act executed. Penalty.

SECT. 3. *And be it further enacted*, That the said town of *Plymouth*, at their meeting in *March* annually for the choice of town-officers, be authorized and empowered to choose one or more meet person or persons whose duty it shall be to see this Act observed, and to prosecute the breakers thereof, who shall be sworn to the faithful discharge of their office; and in case any person so chosen shall refuse to be sworn, he shall forfeit and pay the sum of *twenty shillings*

shillings for the use of the poor of the town of *Plymouth*, and upon said refusal said town may from time to time proceed to a new choice of such officer or officers; and the said town of *Plymouth*, at a town-meeting warned for that purpose, may at any time choose such officers, who shall continue till their annual meeting in *March* next: This Act to continue and be in force for the space of seven years from the publication thereof, and no longer. Limitation.

[This Act passed *February 2, 1748.*]

An ACT for the Preservation of the Beach and Harbour in the Town of *Plymouth*.

WHEREAS great damage is done on the beach in the town of *Plymouth*, by cutting and carrying off the wood and brush that grows on some part of it, and the harbour is greatly endangered thereby. Preamble.

Be it enacted by the Governor, Council and House of Representatives, That no person on any pretence whatever, be allowed to cut and carry off any of the wood or brush that grows on said beach, saving what may be cut by order of the Selectmen, and used for the securing and preserving said beach and harbour: And if any person shall cut and carry off any wood, poles, brush or trees, standing and growing on said beach, he shall forfeit and pay for each and every such tree, pole or quantity of brush cut and carried off, to be recovered by action or information, before any Justice of the Peace in the county of *Plymouth*, one half of the said forfeiture to him or them that shall inform and sue for the same, and the other half to the use of the poor of the town of *Plymouth*: This Act to continue and be in force for the space of three years from the tenth day of *July* next, and no longer. No person to cut wood or brush growing on Plymouth beach, but under certain restrictions. Penalty. Limitation.

[This Act passed *June 25, 1765.*]

An ACT for regulating Lamps already set up, or that may hereafter be set up, for enlightening the Streets, Lanes, Alleys, or Passage-Ways in the Town of *Boston*, and to prevent the breaking or otherwise damnifying the same, and also establishing the Method for paying the Expenses that may arise in supporting and maintaining said Lamps.

WHEREAS the enlightening of streets, lanes, alleys, and passage-ways, in large and populous Towns, by lamps hung up in the night-time, is not only ornamental, but very advantageous to all such persons as have occasion to pass in and through the same about their lawful business, and tend greatly for the safety and preservation of the inhabitants, by the discovery and prevention of fires, burglaries, robberies, thefts, and other lesser breaches of the peace: Preamble.

SECT. 1. *Be it therefore enacted by the Governor, Council and House of Representatives*, That from and after the publication of this Act, it shall and may be lawful for the Selectmen of the Town of *Boston* for the time being, or a major part of them, or such persons as they shall think fit to appoint for that purpose under them, to set up and affix such and so many lamps, and in such streets, lanes, alleys, and passage-ways in said town for enlightening the same, as the town, or such persons as they may appoint, shall, in their judgment, think necessary, and for the common benefit: And the better to preserve and regulate such lamps, said Selectmen are hereby empowered to appoint and contract with any meet person or persons for the lighting, cleaning, snuffing, and repairing the same, and give such directions from time to time relative to said lamps, and lighting and regulating the same, as they shall think best. Selectmen empowered to affix lamps in such parts of the town of Boston as they shall judge proper. To agree with meet persons to take care thereof.

And whereas many of the inhabitants of the said town of *Boston* have, by a generous subscription, raised a sum of money sufficient for purchasing such a number of lamps as will be necessary for illuminating the streets, &c. in that metropolis; and as the destroying or breaking the same will not only be injurious to the encouragers of so laudable a design, but to the public in general: Preamble.

SECT. 2. *Be it therefore further enacted*, That if at any time after the publication of this Act, any person or persons shall and do wilfully and maliciously break, throw down, or extinguish any lamp that is or shall be hung or set up to light the streets, lanes, alleys, or passage-ways within said town of *Boston*, either by said town or by any private inhabitant, or shall wilfully or maliciously damage

Fine for breaking or otherwise damnifying lamps, &c.

Penalty in case of refusal.

Selectmen empowered to take down or remove lamps, &c.

Fines how to be applied.

Proviso.

Inhabitants empowered to raise money by a tax for their support. Continuance.

age the post, iron, or other furniture thereof, every person so offending therein, and being thereof convicted by the lawful testimony of one or more witnesses or witnesses, in any of his Majesty's Courts of General Sessions of the Peace, to be thereafter held within and for the county of *Suffolk*, who are hereby empowered to hear and determine the offence, shall forfeit and pay the sum of *twenty pounds* for each lamp so broken or damaged, and the like sum for each post, or the iron or other furniture so broken or damaged, and costs of prosecution: And if any person or persons shall accidentally or undesignedly break, throw down, or otherwise damage any post, iron, or furniture of such lamp, he shall pay so much as in the judgment of the Selectmen of said town for the time being shall fully repair the damage done, into the hands of the Selectmen, or to such person as they may appoint to receive the same: And if any such person or persons shall refuse to pay said Selectmen, or the person they shall appoint in manner as aforesaid, the Treasurer of the town of *Boston* is hereby empowered to prosecute any person or persons for said damages, before any one of his Majesty's Justices of the Peace in said county of *Suffolk*, who is hereby empowered to hear and determine the same; *provided* the double damages do not exceed *forty shillings*, if more then to be recovered in any Court proper to try the same; and upon conviction to give judgment for double damages and for costs of prosecution, and award execution accordingly: And if any person or persons sentenced to pay the aforesaid fine of *twenty pounds* and costs, shall refuse to pay the same, he or they shall be punished for the offence by being imprisoned not exceeding six months, or by whipping not exceeding twenty stripes.

SECT. 3. *And be it further enacted*, That the Selectmen of the town of *Boston* for the time being be, and they are hereby empowered to take down or remove any post, or sign thereon, in any street, lanes, alleys, or passage-ways in said town, or that now are or hereafter may be fixed, or that adjoin to any dwelling-house or building, in case they shall judge any such post or sign tends to intercept or any ways lessen the light in said lamp; or said Selectmen may direct and order the owner of such posts or signs to take down or remove the same; and if such owner or owners shall refuse so to do for the space of forty-eight hours after such order or notice given, he, she or they shall forfeit and pay the sum of *six shillings* for every twenty-four hours the same shall remain standing or fixed to any building.

SECT. 4. *And be it further enacted*, That the fines and forfeitures arising by the breaches of this Act, shall be applied to the uses following, that is to say, one moiety or half part thereof for the purchasing, repairing, supplying, and maintaining the lamps, the other moiety to the person who shall inform and prosecute for the same. *Provided always*, That the owners of any lamps placed or set up in said town at their own private expense, may at any time take down or remove the same, or extinguish the light thereof; any thing in this Act notwithstanding.

And whereas the freeholders and other inhabitants of the town of *Boston*, at their legal and regular meeting on the eleventh day of *May* last, voted that a sufficient number of lamps should be set up and fixed in said town for enlightening the same in manner as aforesaid:

SECT. 5. *Be it further enacted*, That said inhabitants, at any legal town-meeting, may make such provision for the supporting and maintaining said lamps and lights, and other necessary charges attending the same, as they shall judge best, by raising such a sum of money yearly by a tax laid on the inhabitants, as may by them be thought necessary for that purpose: This Act to continue and be in force for the space of five years from the first of *July* next, and from thence to the end of the then next sitting of the General Court.

[This Act passed June 29, 1773.]

An ACT to empower the Proprietors of the Meeting-House in the First Parish in *Salem*, where the Rev. Mr. *John Sparhawk* now officiates, and also the Proprietors of the Meeting-House in the Third Parish in *Newbury*, where the Rev. Mr. *John Lovell* officiates, to raise Money for defraying Ministerial and other necessary Charges.

WHEREAS it is found inconvenient to raise money for defraying ministerial charges in the first parish in *Salem* and third parish in *Newbury*, by an assessment or tax on polls and estates in said parishes : Preamble.

SECT. 1. *Be it therefore enacted by the Lieutenant-Governor, Council and House of Representatives*, That the Proprietors of the meeting-house in the said first parish in *Salem*, in which the Rev. Mr. *John Sparhawk* officiates, and the Proprietors of the meeting-house in the third parish in *Newbury*, in which Mr. *John Lowell* officiates, be, and hereby are allowed and empowered to raise by an assessment or tax on the pews in the respective meeting-houses aforementioned, such sum or sums as shall be agreed upon by the Proprietors or the major part of such of them as shall be assembled at any legal meeting called for that purpose, for defraying the ministerial and other incidental charges ; the first meeting of such Proprietors to be called agreeable to the direction of the Act made and passed in the eighth and ninth years of his present Majesty's reign, entitled, "An Act directing how meetings of proprietors in wharves or other real estate may be called."

Proprietors of the meeting-houses in the first parish in *Salem* and the third parish in *Newbury* empowered to assess pews.

And to the intent that such tax or assessment may be equitably made and duly collected :

SECT. 2. *Be it further enacted*, That the Proprietors of the respective meeting-houses aforementioned be, and hereby are empowered to cause the pews in each of the aforesaid meeting-houses to be valued according to the convenience of said pews and the situation thereof, and to put a new estimate upon the pews from time to time, as shall be found necessary, and to determine how much each pew or part of a pew shall pay towards defraying the charges aforesaid, and the time and manner in which the same shall be paid, and appoint a Collector or Collectors to collect the sum or sums so agreed to be raised, who shall be sworn to the faithful discharge of his said trust : And if any Proprietor or owner of a pew in either of the aforementioned houses shall neglect or refuse to pay the sum or sums assessed thereon after having twenty days notice given him by the Collector, the Proprietors of the respective meeting-houses shall be, and hereby are empowered, by themselves or by their Committee, to sell or dispose of the pew of such delinquent, according to the valuation thereof as aforesaid, and with the money raised by such sale to pay the assessment or tax on said pew remaining unpaid, together with the charges arising on the sale ; the overplus, if any there be, to be returned to the owner thereof : *Provided nevertheless*, That when the owner of any pew shall make a tender of the same to the Proprietors or to their Committee, at the valuation aforesaid, and they shall refuse or neglect to accept the same, no sum shall be deducted out of the sale of said pew, but such only as shall have become due before the making of said tender.

Manner of proceeding in raising such tax.

And whereas application hath been made to this Court to enable the Proprietors of the meeting-house in said third parish in *Newbury* to raise part of the sum that may be necessary for defraying ministerial charges on the persons and estates of such as occupy pews or seats in said meeting-house, and usually attend the public worship of God in said house, over and above what may be raised on the pews :

Proviso.

SECT. 3. *Be it therefore enacted*, That the Proprietors of said house be and hereby are empowered to tax or assess the several persons occupying or possessing pews or seats or parts of pews and seats, who usually attend the public worship in said house, according to their several abilities and circumstances, in order to raise money sufficient together with what may be assessed on the pews to defray their ministerial and other incidental charges ; and the said assessment or tax shall be made and collected by such rules as parish taxes are made and collected ; and thereupon all other persons and their estates in said parish, not usually attending the public worship in said house, as well as those who do, shall be freed

Preamble.

The whole ministerial charge to be raised on the Proprietors at *Newbury*.

Limitation.

freed from all parish taxes during their continuing to raise money as aforesaid. —This Act to continue and be in force for the space of three years from the publication of the same, and no longer.

[This Act passed *January 31, 1752.*]

An ACT for preventing the Stealing and clandestinely conveying Sheep away from the Island of *Martha's Vineyard*, in *Dukes County*.

Inspectors of sheep to be chosen in *Martha's Vineyard*.

BE it enacted by the Governor, Council and House of Representatives, That in every town on the island of *Martha's Vineyard*, in *Dukes County*, there shall be some meet person some time in *May* next chosen to inspect all such sheep as shall be there purchased to be transported off from said island, which person shall be sworn to the faithful discharge of said office : And no person or persons whatsoever, who shall after the tenth day of *June* next purchase any sheep on the said island of *Martha's Vineyard*, in order to transport them from thence to any other place, shall presume to carry them off, in any vessel or boat whatsoever, before he or they shall have presented them to, and caused them to be viewed by the inspector for the town from whence they are to be transported, and shall have shewn to such inspector a certificate under the hand of each and every person of whom they shall have purchased said sheep, declaring the number and particular mark or marks of all sheep by them sold to such person or persons transporting them as aforesaid : And such inspector is hereby authorized to make a fair entry in a book to be kept for that purpose, of the said number and marks of such sheep, with the Christian and surname, occupation and dwelling-place, as well of the person or persons of whom the same were last bought, as of the present owners or shippers ; and also of the master of the vessel or boat in which they are designed to be transported ; and shall deliver a certificate under his hand of such entry by him made unto the shipper, directed to the master of such vessel or boat by name ; for which entry and certificate the said inspector shall demand and receive of the purchaser the sum of *one shilling* for every score of sheep therein mentioned, and so in proportion for a greater or less number.

Inspector's duty.

Penalty for taking off sheep without inspection.

Inspectors to inform of breaches of this Act. Continuance.

SECT. 2. And be it further enacted, That if any person or persons shall after the publication of this Act presume to ship or transport from the aforesaid island any sheep which have not been first viewed and entered as aforesaid, or if the master or commander of any vessel or boat shall receive, take, or suffer to be received or taken, any sheep on board the vessel or boat under his command, in order to transport them from off said island, without such certificate as aforesaid, or any other sheep than what agree with the description therein given, every shipper or master so offending shall forfeit and pay for each and every sheep by him so received or taken on board his said vessel or boat, the sum of *twenty shillings*, one moiety thereof to be to the use of the poor of the town where the offence is committed, and the other moiety to him or them who shall inform and sue for the same by action, bill, plaint, information, or presentment of the Grand Jurors, in any of his Majesty's Courts within this Province before whom the same may be cognizable ; any law, usage or custom to the contrary notwithstanding : And the inspector in each town on the aforesaid island is hereby required to take care that this Act be duly observed, and to inform of all transgressions thereof. —This Act to be in force for the space of one year from the tenth day of *June* next, and no longer.

[This Act passed *April 21, 1761.*]

An ACT for the securing the Growth and Increase of a certain Parcel of Wood and Timber in the Townships of *Ipswich* and *Wenham*, in the County of *Essex*.

Preamble.

WHEREAS there is a large tract or parcel of wood-land lying in the townships of *Ipswich* and *Wenham*, commonly known by the name of *Wenham Great Swamp*, bounded easterly by a brook and a pond known by the name of *Pleasant Pond Brook* ; southerly on land belonging to adjacent Proprietors ; westerly on a meadow and some swamp known by the name of *Wenham Great Meadows* ; northerly on the meadow known by the name of *Salton* *shall*

fall Meadows, to the brook first mentioned : And whereas it would be of great advantage to said towns, as well as to the particular owners of said wood and timber, that the growth thereof should be preserved from feeding and browsing of cattle and sheep, which are frequently turned and kept there in considerable numbers ; and the laws already in force for embodying Proprietors of common fields not reaching this case, there needs a further provision :

Be it therefore enacted by the Governor, Council and House of Representatives, That from and after the fifteenth day of *January* instant it shall and may be lawful for any five of the Proprietors of said wood-land to apply to a Justice of the Peace within the same county, setting forth in writing under their hands, the intended bounds by which they would circumscribe their proposed propriety, together with their intentions of incorporation for the purpose aforesaid, with the time and place of their intended meeting, on which application the Justice shall make out his warrant to one of the principal Proprietors so applying, to notify the said owners and Proprietors to assemble and meet, by polling up a notification for that end in one public place in said *Wenham*, and also in the third parish in said town of *Ipswich*, twenty days at least before the time of said meeting ; at which time and place it shall be lawful for the said Proprietors to meet, and choose a moderator and clerk, and if two thirds of the whole Proprietors (to be reckoned by their interest) shall see meet, they may by vote incorporate themselves into one body, in which the whole Proprietors owning lands within the limits aforesaid shall be included, and may at said meeting agree upon some proper methods for calling Proprietors' meetings for the future ; and the said Proprietors so incorporated shall have and enjoy all the powers and privileges for the ordering and managing the affairs of said wood-land, for the preservation and interest thereof, as fully and amply to all intents and purposes as any Proprietors of common and general fields already embodied do or may enjoy by the laws of this Province already in force ; the said proposed Proprietors observing the same rules and methods in ordering and managing their whole affairs, in all respects as the laws have provided in cases of common or general fields.—This Act to continue and be in force for the space of ten years from the publication thereof, and no longer.

Proprietors of said wood-land on application to a Justice may have a warrant for a meeting, &c.

Rules to be observed by the Proprietors. Limitation.

[This Act passed *January 13, 1755.*]

An ACT to prevent Damage being done on the Meadows and Beaches lying in and adjoining on the south Side of the Towns of *Tisbury* and *Chilmark*, in the County of *Dukes County*, between the Land of *Matthew Mayhew*, Esq. on the west, and the Creek of Water that divides the Land of *Thomas Walron* from the Beach on the east.

WHEREAS many persons frequently drive numbers of neat cattle, horses, sheep and swine, to feed upon the beaches, meadows and shores adjoining to the south side of *Martha's Vineyard*, lying in the towns of *Tisbury* and *Chilmark*, between the land of *Matthew Mayhew*, Esq. on the west, and the creek of water that divides the land of *Thomas Walron*, from the aforesaid beach on the east, whereby the ground is much broken and damaged, and the sand blown on said adjoining meadow and upland, to the great damage not only of sundry private persons in their property, but also the inhabitants of the said town in general :

Preamble.

SECT. 1. *Be it therefore enacted by the Governor, Council and House of Representatives,* That from and after the thirtieth of *March*, One thousand seven hundred and sixty-seven, no person or persons shall presume to turn any neat cattle, horses, sheep or swine, on the beach belonging to and lying in the towns of *Tisbury* and *Chilmark*, at any time between the thirtieth day of *March* and the first day of *October* annually, during the continuance of this Act, on penalty of paying for each offence three shillings a head for neat cattle, horses or mares of one year old or upwards, and the sum of three pence a head for each sheep or swine that shall be turned out or found on said beach, meadows or shores, within the limits aforesaid ; which penalty shall be recovered by the Treasurer of either of the towns of *Tisbury* or *Chilmark*, or any other person that shall inform or sue for the same ; the one half of said forfeiture to be to him or them that shall inform of and sue for the same, the other half to be to and for the use of the poor of the said town.

Creatures not to be turned on to *Tisbury* and *Chilmark* beach from 30th *March* to 1st *Oct.* annually. Penalty.

SECT.

Creatures
found on the
said beach to be
impounded;

to be sold in
case.

Justices to hear
complaints.

Proviso.

Limitation.

SECT. 2. *And be it further enacted*, That if any cattle, horse kind, sheep, or swine, shall at any time hereafter be found feeding on the said beach, meadows or shores that lie between the boundaries or limits before described, it shall and may be lawful for any person to impound the same, immediately giving notice thereof to the owner, if known, otherwise to give public notice thereof by posting the same up in some public place in both the said towns of *Tisbury* and *Chilmark*; and the impounder shall relieve the said creatures with suitable meat and water while impounded; and if the owner thereof appear to redeem his impounded creatures, he shall pay *one shilling* to the impounder for each neat beast and horse kind, and *one penny* for each sheep and swine, and what is reasonable for relieving, besides the pound-keeper's fees, as by law appointed for such creatures; and if no owner appears within the space of six days to redeem the said cattle, horse kind, sheep or swine, so impounded, and to pay the cost and damage occasioned by impounding the same, then, and in every such case, the person impounding such cattle or horse kind, sheep or swine, shall cause the same to be sold at public vendue, and pay the cost and charges arising about the same, (public notice of the time and place of such sale to be given in the said towns of *Tisbury* and *Chilmark* forty-eight hours beforehand;) and the overplus, if any there be, arising by such sale, to be returned to the owner of such cattle, horse kind, sheep or swine, any time within twelve months next after, upon his demanding the same; but if no owner within the said twelve months appear, then the said overplus shall be one half to the party impounding such cattle, horse, sheep or swine, and the other half for the use of the poor of the said towns of *Tisbury* and *Chilmark*.

SECT. 3. *And be it further enacted*, That the major part of the Proprietors of the meadows in said towns of *Tisbury* and *Chilmark*, shall, some time in the month of *March* annually, appoint one suitable person in each town to prosecute all breaches of this Act, which shall be heard and determined before any one of his Majesty's Justices of the Peace in the said county, who are hereby authorized to hear and determine the same, and to make up judgment and award execution thereon: *Saving always*, That any person who may be prosecuted by this Act may have liberty to appeal to the Court of General Sessions of the Peace in the same county, there to have a final issue: *Provided*, That nothing in this Act shall be construed to prevent the owner or owners of said beach or meadow, from turning on their horses they ride, or cattle they improve in their teams, to feed on said beach or meadow, while they are cutting or carting their hay off said beach or meadow, or while they may be opening said beach to let the water off their meadow into the sea.—This Act to be in force for the space of three years from the thirtieth of *March*, One thousand seven hundred and sixty-seven, and no longer.

[This Act passed March 20, 1767.]

An ACT to prevent the Destruction of the Salt Meadows lying in the Towns of *Tisbury* and *Chilmark*.

Preamble.

WHEREAS the salt meadows lying in the towns of *Tisbury* and *Chilmark*, in the county of *Duke's County*, by reason of the ponds overflowing the same, have been greatly damaged, being occasioned in a great measure by the Proprietors thereof not being able to agree upon the times when, or the places where, the said meadows might be drained: For remedy whereof for the future,

The Proprietors
empowered to
make an opening
from Black Point
Pond to the sea,
at the expense
of the Proprietors
of the meadows.

Empowered to
open Chilmark
Pond.

SECT. 1. *Be it enacted by the Governor, Council and House of Representatives*, That the Proprietors of the meadows lying and adjoining to the ponds and creeks in the towns of *Tisbury* and *Chilmark* aforesaid, (in which are comprehended all the meadows from the east end of *Tisbury Great Pond* to the west end of the pond called and known by the name of *Chilmark Pond*.) are hereby empowered in the month of *March* annually, to make an opening into the sea out of the pond in *Chilmark*, called and known by the name of *Black Point Pond*, the said pond lying contiguous to the meadows in *Tisbury* aforesaid, to be continued open until the tenth day of *September* then next following, annually, (and at no other time,) at the expense of the Proprietors of the meadows aforesaid, in proportion to their several rights and interest in said meadows.

SECT. 2. *And be it further enacted*, That the Proprietors of the meadows in the town of *Chilmark* aforesaid be, and are hereby empowered to open the pond called and known by the name of *Chilmark Pond*, at any time from the tenth

tenth day of *September* to the last day of *November* annually, during the continuance of this Act, and at no other time; and that the Proprietors of the meadows from the east end of the creek in said *Chilmark* called and known by the name of *Quonsoo Creek*, westward to the west end of said *Chilmark Pond*, shall pay their proportion of the expenses that may arise in opening said *Chilmark Pond* in money or labour at their discretion.

SECT. 3. *Be it further enacted*, That if any person or persons shall presume to make an opening out of the said ponds at any other time or place, or to stop up any openings after being so made, contrary to the true intent and meaning of this Act, he or they shall forfeit and pay the sum of *twenty pounds*, to be recovered by action of debt in any of his Majesty's Courts of Record proper to try the same, one moiety thereof to be to and for the use of the poor of said town, the other moiety to be to and for the use of him or them that shall sue for the same.

No openings to be made but at certain times.

SECT. 4. *Be it further enacted*, That the major part of the Proprietors of said meadows be and hereby are empowered to make choice of a standing Proprietors Committee of three meet persons, and on the death or removal of one or more of said Committee, to fill them up by the choice of other person or persons, who also shall have power to order and regulate the times of said openings, as limited by this Act, and also to apportion the labour in making said openings among said Proprietors, agreeable to their respective rights and interest: And in case of their neglect or refusal to perform the same, the said Committee are empowered from time to time to assess said delinquent Proprietors, and to appoint and swear a collector or collectors for the collecting and paying in the sums so assessed to the Committee aforesaid, for the defraying the expenses of said openings, which persons so chosen and appointed being sworn to the faithful performance of their duty, shall be and hereby are vested with the same power and authority for the purposes aforesaid as other Proprietors Committees, Assessors and Collectors by law are vested with.

Proprietors to choose a committee for the purposes above mentioned, who are empowered to make assessments. Collectors to be sworn.

SECT. 5. *And be it further enacted*, That *Mathew Mayhew*, Esq. is hereby empowered to call a meeting of said Proprietors for choosing said Committee, at which meeting the Proprietors aforesaid are likewise empowered to make choice of a Moderator, who shall have power to regulate the same (the votes to be reckoned according to the interest of each voter) at which said meeting the Proprietors aforesaid shall have power to agree upon some method for calling meetings for the future.—This Act to continue and be in force for the space of three years from the first day of *March*, one thousand seven hundred and sixty-eight, and no longer.

Mathew Mayhew, Esq. to call a meeting.

Continuance of the Act.

[This Act passed *March 5*, 1768.]

An ACT to prevent neat Cattle, Horses, Sheep, Goats and Swine, from going at large upon the Island of *Chabequidick*, at certain Seasons of the Year; and for preventing other Trespasses being done on any of the Indian Lands on said Island for the future.

General Laws, Vol. 1. 215.

WHEREAS there are certain lands and meadows within the township of *Edgartown*, in the county of *Duke's County* on the island of *Chabequidick*, that are owned by the Indian inhabitants of said island; and it being represented to this Court by said Indians, that they are greatly injured by reason of their wood being cut and carried off from said island for market, or otherwise by some of the Indian Proprietors thereof, as well as by some of their English neighbours; and also by neat cattle, horses, sheep, goats and swine, going at large on said island at certain seasons of the year; and as the said Indians are unable to fence their fields by reason of the scarcity of wood, on said island, their crops of corn are much exposed, and many times are almost wholly destroyed: For remedy whereof,

Preamble.

SECT. 1. *Be it enacted by the Governor, Council and House of Representatives*, That from and after the tenth day of *April* next, no person shall presume to turn or drive any neat cattle, horses, sheep, goats, or swine, upon any part of the Indian lands on the island of *Chabequidick* in order to feed thereon, or suffer them to go at large there from and after the tenth day of *April*, until the thirtieth day of *October* annually, on the penalty of *ten shillings* per head for all neat cattle and horses, and *three shillings* per head for all sheep, goats, or swine so turned on, and *six shillings* per head for all neat cattle and horses, and *two shillings*

Neat cattle, &c. not to go at large on the Indian land between 10th April and 30th Oct. on penalty.

shillings per head for all sheep, goats or swine, that shall be found going at large on said island within said limited time; except such horses, neat cattle, sheep, goats and swine, which are in fact the property of some of the Indian Proprietors of said island: Also said cattle that shall be actually improved for plowing their lands for planting and sowing the same; all which last mentioned creatures are allowed to go at large on said island from the thirtieth day of October, until the twentieth day of May annually, and no longer, under the same penalties as is by this Act already provided.

SECT. 2. *And be it further enacted*, That if any person or persons shall presume to cut for sale, or carry away from said island, any manner of wood, underwood, timber, poles, or trees, standing, growing or lying upon any of the Indian lands on said island, on any pretence whatsoever, every person so offending shall forfeit and pay unto the party or parties injured or trespassed upon, or to the use of the Indian Proprietors inhabitants on said island, or to their lawful guardians, for the use of said Indians, the sum of *twenty shillings* for every tree of one foot over, and *ten shillings* for every tree or pole under that bigness, or for other wood or underwood treble the value thereof, to be recovered by action before any of his Majesty's Justices of the Peace for the county aforesaid, if the forfeiture exceed not *forty shillings*, but if above that sum, then before the Court of Common Pleas within said county; and if any person shall be convicted a second time of the like offence, he, she or they shall forfeit and pay for the same the sum of *twenty shillings* as a fine, over and above the above-mentioned forfeiture, or suffer one month's imprisonment.

SECT. 3. *And be it further enacted*, That the guardians, for the time being, that may be appointed by this Court from time to time to take the care and oversight of said Indians, are hereby empowered and required to see to the due observance of this Act, at the charge of the Indian Proprietors of said island, and to prosecute all breakers of the same: And all forfeitures arising for any breach of this Act, to be applied to and for the use of the Indian Proprietors inhabiting on said island, at the direction of said guardians.—This Act to continue and be in force for and during the term of three years, and no longer.

[This Act passed March 9, 1774.]

An ACT to prevent Neat Cattle and Horses running at large and feeding on the Beaches adjoining to Eastern Harbour Meadows in the Town of Truro.

Preamble.

WHEREAS there are certain meadow lands within the township of Truro, in the county of Barnstable, called *Eastern Harbour Meadows*, on which many of the inhabitants of said town depend for their hay, and the said meadow land lies adjoining to two long sandy beaches, on which no fence can well be made to stand, and by reason of cattle and horses trampling and feeding there, the beach grass, which was wont to prevent the driving of the sand from the beaches to the meadows is destroyed, and a great part of the meadows already covered with sand, and become useless for grass, and the whole in danger of being buried with the sands, if not timely prevented:

SECT. 1. *Be it therefore enacted by the Governor, Council and House of Representatives*, That from and after the publication of this Act, no person shall presume to turn or drive any neat cattle or horses upon the said beaches or meadows to feed, or leave them at large there, on the penalty of *ten shillings* a head for all neat cattle, and for every horse kind so turned upon any of the said beaches or meadows to feed, or that shall be found at large there; which penalty may be recovered by any of the Proprietors of said beaches or meadows; on the meadow one moiety thereof to be to the informer that shall sue for the same, and the other moiety to be to and for the use of the poor of the town of Truro.

Penalty for leaving cattle and horse-kind to feed at large on the meadows in Truro.

Cattle, &c. to be impounded if found feeding at large.

SECT. 2. *And be it further enacted*, That it shall be lawful for any owner or Proprietor of the said meadows or beaches, or other person finding any cattle or horse-kind feeding or going at large upon the beaches or meadows aforesaid, or any of them, to impound the same; and the person or persons impounding them shall give public notice thereof in the town of Truro, and in the two next adjoining towns; and shall relieve said creatures, whilst impounded, with suitable meat and water; and the owner thereof appearing he shall pay to the impounder *two shillings* and *six pence* damages for each head of neat cattle or horse kind so impounded, and costs of impounding them: And if the owner do not appear

appear within the space of six days and pay the damage and costs occasioned by impounding the same, then, and in every such case, the person or persons impounding such cattle or horse kind shall cause them to be sold at public vendue for paying such damages and costs, and the charge arising by such sale, (public notice of the time and place of such sale being given forty-eight hours beforehand,) and the overplus, if any be, to be returned to the owner of such cattle or horse kind, on his demand, at any time within twelve months next after the sale; and if no owner shall appear within the said twelve months, then one moiety of the overplus shall be to the party impounding, and the other moiety thereof to the use of the poor of the town of *Truro*.

To be sold if no owner appears.

SECT. 3. And be it further enacted, That the Proprietors of the said meadows and beaches, and the Proprietors of the lotted land on the *Cape*, shall make and maintain a sufficient fence in equal proportion betwixt them, or otherwise prevent their cattle from passing to the eastward of the westerly part of *Strout's Meadow*, (so called) and the Proprietors of the aforesaid meadows, with the Proprietors of *Truro*, (not having right in said meadows) that turn horses or cattle on the commons there, be likewise obliged to erect and maintain a fence that shall prevent horses and cattle from passing to the westward of the east end of eastern harbour meadows, or otherwise to restrain them from feeding or going at large there, on pain of incurring the penalty aforesaid for each head of cattle or horse kind that shall be found there, and of having them impounded, and otherwise proceeded with in manner as before mentioned.—This Act to continue in force five years from the publication thereof, and from thence to the end of the next session of the General Court, and no longer.

Proprietors of the meadows, &c. to make and maintain fences.

Limitation.

[This Act passed April 6, 1745.]

An ACT to empower the East Precinct in *Salem*, where the Rev. Mr. *James Diman* now officiates to raise Money for defraying ministerial and other necessary Charges of said Precinct.

WHEREAS it is found inconvenient to raise money for defraying ministerial and other charges in the east precinct in *Salem*, by an assessment or tax on polls and estates in said precinct.

Preamble.

Be it therefore enacted by the Governor, Council and House of Representatives, That the freeholders and other inhabitants of the said east precinct in *Salem*, legally qualified to vote in precinct affairs, be and they are hereby authorized and empowered at any meeting of said precinct duly called and warned for that purpose, annually in *March* during the continuance of this Act, to grant a tax or assessment not exceeding fifty pounds, on such of the pews and other seats in said meeting-house as they shall judge reasonable; and such inhabitants are hereby empowered from time to time to determine in what proportion the owners or occupants of such pews or seats shall pay towards the sum that may be granted as aforesaid, and the time and manner of payment: And the said parish at any such meeting as aforesaid may appoint a collector or collectors to collect the sum so agreed to be raised, who shall be sworn to the faithful discharge of their trust, and shall pay and deliver the money which he or they shall collect to the Treasurer of said precinct, to be applied from time to time as said precinct shall order, for defraying the ministerial and other charges of said precinct; and in case any proprietor or occupant of any such pew or seat shall neglect to pay the sum assessed thereon for two years, having due notice thereof from the collector for the time being, then and in that case it shall and may be lawful, and the committee of said precinct for the time being are hereby empowered, to sell the said pew or seat of such delinquent, for the most it will fetch at public sale, to be advertised at least fifteen days before said sale; and after paying the tax then due on said pew or seat, with the charge of said sale, the remainder, if any, shall be returned to the owner.—This Act to be in force for three years from the first day of *August* next.

Freeholders of Salem east precinct empowered to levy a tax on pews, &c.

Continuance.

[This Act passed July 15, 1769.]

An

An ACT in addition to an Act for the Preservation and Increase of Moose and Deer on *Tarpolin Cove Island* and *Nennemeset Island*, lying and being in the County of *Dukes County*.

Preamble.

WHEREAS the fines and penalties to which certain offenders are subjected by an Act of this Government, entitled, "An Act for the preservation and increase of moose and deer on *Tarpolin Cove Island* and *Nennemeset Island*, lying and being in the county of *Dukes County*," and the sums recoverable of such offenders by the Proprietors of said islands by virtue of said Act, and the mode of conviction therein provided, are found ineffectual to prevent the commission of the offences and trespasses in said Act described: And whereas doubts have arisen whether prosecutions for the fines imposed, and actions for the forfeitures to the Proprietors aforesaid given by said Act, can be brought in any other county than that wherein said islands lie: For the removing of such doubts, and for the increasing such fines and forfeitures,

Fines, &c. increased twenty fold: to be recovered as before directed.

SECT. 1. *Be, and it hereby is enacted by the Council and House of Representatives, in General Court assembled, and by the authority of the same,* That all fines imposed or forfeitures to the Proprietors given by said Act be, and they hereby are increased twenty fold above those expressed in the Act aforesaid, to be recovered in manner as by said Act or by this Act is directed, together with costs of Court: And all fines that shall be recovered in consequence of this and the Act aforesaid, shall enure and accrue in the same manner and proportion as by said first Act is directed: And all actions for the forfeitures aforesaid, as well as all prosecutions brought for the penalties aforesaid, by either or all the Proprietors aforesaid, may be commenced and pursued to final judgment in the county where said Proprietors usually reside: and might have been so commenced and pursued by virtue of the said first mentioned Act.

Moose or deer brought into counties named without license to be considered as killed unlawfully, unless the contrary is proved.

SECT. 2. *And be it further enacted by the authority aforesaid,* That if the flesh, skin or skins, or any other part of any moose or deer newly or lately killed, be brought by water into either of the counties of *Nantucket*, *Dukes County*, *Barnstable*, *Plymouth*, or *Bristol*, except by the said Proprietors, or such as may have special license from them, or either of them, it shall be evidence that such moose or deer was killed contrary to the said Act: And every person (excepting as aforesaid) so bringing, or in any way concerned or assisting in bringing the same into either of the counties aforesaid, and who shall be thereof convicted, either by his own confession, or by the oath of one witness, shall be deemed to have killed moose or deer contrary to the said Act, and shall be subjected to all the fines and forfeitures laid by this Act and the said first mentioned Act; unless such person or persons shall make proof, that such moose or deer were not killed on either of the said islands, or if killed thereon were killed by persons authorized to kill the same.

Limitation.

SECT. 3. *And be it further enacted,* That the Act above referred to, together with this additional Act, shall continue and be in force until the last day of *July*, one thousand seven hundred and eighty-five, and to the end of the session of the General Court next after.

[This Act passed *December 7, 1779.*]

An ACT to prevent the Destruction of Oysters and all other Shell-Fish laying within the Harbours, Rivers and Bays within the Limits of the Towns of *Sandwich*, in the County of *Barnstable*, and *Wareham*, in the County of *Plymouth*, and the Towns of *Dartmouth* and *Westport*, in the County of *Bristol*.*

Preamble.

WHEREAS it is of late the practice of persons belonging to other towns and ports to come with vessels and other craft into the rivers and harbours of the aforesaid towns of *Sandwich*, *Wareham*, *Dartmouth*, and *Westport*, then and there to rake the beds of oysters and other useful shell-fish, and carry away from the inhabitants large quantities of the said fish into other parts not belonging to this Commonwealth, by means whereof the said fish are in a great measure destroyed; to the great damage of the poor and other inhabitants of the said towns:

SECT.

* See note, page 24 of this Appendix.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That any time from and after the first day of *March* next, no person or persons presume to take, rake or carry off by water, to any place out of the limits of the said towns, more than three bushels of the said fish (including the shells) at any one time; and any person offending against this Act, and being convicted thereof in any Court proper to try the same, shall forfeit and pay not less than *twenty shillings*, nor more than *four pounds*, unless liberty for taking the said fish be first had and obtained from the major part of the Selectmen of the respective towns within whose limits they are taken; the said liberty to be had and taken in writing under their hands.

Penalty for offending against this Act.

SECT. 2. *And be it further enacted,* That if any person or persons residing in either of the said towns shall aid or assist any person or persons as aforesaid coming out of or belonging to any other town, in the taking of any of the fish aforesaid, or shall supply them therewith, he shall forfeit and pay not less than *twenty shillings*, nor more than *four pounds* for each offence.

Penalty for assisting.

SECT. 3. *And it is further enacted by the authority aforesaid,* That if any vessel or boat shall be found within three miles of either of the harbours or shores of either of the said towns, having on board more than three bushels of the said fish, (including the shells) taken within the limits aforesaid, the said vessel or boat not being owned in either of the said towns, and not having a permit in writing from the Selectmen of one of the said towns for taking the said fish, it shall and may be lawful for any person or persons to seize such vessel or boat, and detain the same until the master thereof shall pay such fine or forfeiture as shall be ordered by the Court that shall try the same, and legal costs arising thereon.

Vessels or boats found with more than 3 bushels of fish on board, without a permit, may be seized.

SECT. 4. *And be it enacted by the authority aforesaid,* That all breaches of this Act happening in the said town of *Sandwich*, shall be heard and determined by any Justice of the Peace in the county of *Barnstable*, who on complaint of any breach of this Act made to him in writing, shall issue his warrant for apprehending and bringing before him the person thereof accused on oath: And all breaches of this Act which shall happen in the town of *Wareham*, shall be heard and determined by any Justice of the Peace for the county of *Plymouth*, in the manner aforesaid: And all breaches of this Act committed in the town of *Dartmouth* or *Westport*, shall be heard and determined by any Justice of the Peace in and for the county of *Bristol*, in manner aforesaid: And all the forfeitures which may arise as aforesaid, shall accrue one half to him or them who shall complain as aforesaid, and the other half to the poor of the town where the offence shall be committed.

Breaches of this Act where and how tried.

SECT. 5. *And be it further enacted,* That this Act shall continue and be in force for two years from and after the passing the same, and no longer.

Limitation.

[This Act passed November 20, 1787.]

An ACT to prevent Damage being done to the Proprietors of the Meadow, Upland and Beach, called *Great and Little Scipuiszet*, in the Town of *Falmouth*, and County of *Barnstable*.

WHEREAS divers persons have made it their practice to mow the beach grafs between *Hogg Island* and the land of *David Shiverick*, and to turn in cattle and horses to graze on said beach, whereby said beach is broken, and the sand is blown on said meadow and upland, and the harbour adjacent partly filled up with sand, to the great damage of said propriety, and unless speedily prevented there is reason to fear that the land and meadow adjoining to said beach will be entirely ruined, and the said harbour filled with sand: For remedy whereof,

Preamble.

SECT. 1. *Be it enacted by the Governor, Council and House of Representatives,* That from and after the publication hereof no person or persons shall presume to turn or drive on any neat cattle, horse kind, or sheep upon the beach called *Great and Little Scipuiszet* beach, or upon the meadow or upland adjoining, on penalty of *ten shillings* an head for neat cattle or horses, and *three shillings* for each sheep upon *Scipuiszet* beach that shall be turned in on said beach, meadow or upland; which penalty shall be recovered by one or more of said Proprietors, to be chosen in manner as shall be hereafter expressed, or any other person that shall inform or sue for the same; one half of said forfeiture to him or them that shall inform or sue for the same, the other half to be to and for the use of the said town of *Falmouth*.

Penalty.

SECT.

SECT. 2. *And be it further enacted,* That if any neat cattle, horse kind or sheep shall at any time be found feeding on said beach, meadow or upland, that it shall and may be lawful for any person to impound the same immediately, giving notice to the owner or owners of the same, and the pound-keeper shall relieve the said creatures with suitable food and water while impounded; and if the owner thereof appear he shall pay *two shillings and six pence* for each neat beast or horse, and *eight pence* for each sheep, and the reasonable cost of relieving them, besides the pound-keeper's fees; and if no owner appear within the space of three days to redeem the said cattle, horse kind or sheep so impounded, and to pay the cost and damage occasioned by impounding the same, then, and in every such case, the person impounding such cattle, horse kind or sheep shall cause the same to be sold at public vendue, and pay the cost and charge arising about the same; public notice of the time and place of such sale being given in the said town of *Falmouth*, and in the towns of *Barnstable* and *Sandwich* forty-eight hours beforehand; and the overplus, if any there be, arising by such sale, to be returned to such owner or owners of such cattle, horse kind or sheep, at any time within twelve months next after such sale, upon his demanding the same; but if no owner appear within twelve months, then the said overplus shall be one half to the person impounding, and the other half to be returned to the Treasurer of the said town of *Falmouth* for the use of the poor of said town:—*Provided*, Nothing in this Act shall be construed to prevent any of the owners of said beach, meadow and upland, or any improving under them, from turning on the horse they ride, or cattle improved in their teams, to feed on said beach, meadow or upland, while they are cutting or carting their hay off said beach or meadow.

Preamble. And whereas sundry disorderly and evil-minded persons have of late years unnecessarily departed from the ancient cart-way, and drove their loaded teams in different places over the said beach and meadow, to the great hurt and damage of said Proprietors:

SECT. 3. *Be it therefore further enacted,* That from and after the publication of this Act, whoever shall presume to drive or suffer to be drove their loaded team or teams over said beach or meadow in any other than the ancient known and common way over the same, shall forfeit and pay the sum of *ten shillings*, to be recovered and applied in manner as is expressed in this Act.

SECT. 4. *And be it further enacted,* That if any person or persons from and after the publication of this Act, shall presume to mow any of the beach grass upon the aforementioned beach between *Hog Island* and the lands of *David Shiverick*, he or they shall for every such offence forfeit the sum of *forty shillings*, to be recovered and applied in the same manner as is before expressed in this Act.

SECT. 5. *And be it further enacted,* That it shall be in the power of said Proprietors, at a meeting to be holden some time in the month of *March* annually, to choose one or more person or persons whose duty it shall be to see this Act executed, and to prosecute the breakers thereof, who shall be sworn to the faithful discharge of their office; and in case any person so chosen shall refuse to be sworn, he shall forfeit and pay the sum of *ten shillings* for the use of the poor of the town of *Falmouth*, and upon said refusal said Proprietors may proceed to a new choice of such officer or officers, and the said Propriety at a meeting warned for that purpose may at any time choose such officers, who shall continue in their said office till their next annual meeting in *March*.

SECT. 6. *And be it further enacted,* That it shall be in the power of any five or more of said Propriety to call a meeting, by posting up notification thereof under their hands at least fourteen days beforehand in some public place in said town, for the several purposes before mentioned.—This Act to be in force for the space of seven years from the publication thereof, and no longer.

[This Act passed July 5, 1771.]

An ACT for regulating the Alewife Fishery in the Town of *Halifax*, in the County of *Plymouth*.

SECT. 1. *BE it enacted by the Governor, Council and House of Representatives,* That it shall and may be lawful for the inhabitants of the said town of *Halifax*, qualified by law to vote in town-meetings, and they are hereby empowered annually hereafter in the month of *March*, during the continuance

of

of this Act, by any Committee chosen and appointed by the major part of such inhabitants for that purpose, to let or farm out the sole privilege of taking and disposing of the fish called alewives that come up into said town.

SECT. 2. *And be it further enacted*, That the person or persons purchasing the said privileges shall give sufficient security to the Treasurer of the said town of *Halifax* for the time being, for the payment of such sum or sums of money as the said privileges shall be sold for, to be improved for the use and benefit of the inhabitants of the said town.

Purchaser to give security for the use and benefit of said town.

SECT. 3. *And be it further enacted*, That the purchaser or purchasers of the said privileges shall conform him or themselves to such times and places for taking the said fish as shall be appointed by the said inhabitants, or any Committee by them chosen for that purpose, under the penalty of *forty shillings* for each and every day's offence.

Penalty for taking fish contrary to agreement.

SECT. 4. *And be it further enacted*, That the said purchaser or purchasers shall not ask or take of any person or persons applying to him or them to buy any of the said fish more than *one shilling* per hundred, and so in proportion for a greater or lesser number, nor refuse or deny to supply any person or persons with the said fish when it shall be in his or their power to supply them, they paying for the same, under the penalty of *twenty shillings* for each neglect or refusal.

Penalty if they should demand more than 1s per hundred.

SECT. 5. *And be it further enacted*, That if any person or persons other than the said purchaser or purchasers of the said privileges or those employed by them shall presume to take the said fish or any of them in the said town of *Halifax*, such person or persons shall pay the penalty of *twenty shillings* for each other than the said purchaser, and every offence to the use of the purchaser of the said privilege, and to be recovered by action of debt, with full costs of suit therefor, to be brought by the said purchaser before any Justice of the Peace for the county of *Plymouth*: And all the other penalties and forfeitures mentioned in this Act shall be recovered by an action of debt to be brought therefor and recovered with full costs of suit before any Justice of the Peace for the said county of *Plymouth*; one moiety thereof shall be for the use of the person who shall sue for the same, and the other moiety shall be to the use of the poor of the town of *Halifax*: And any of the inhabitants of the said town of *Halifax*, other than the Plaintiff himself, shall be admitted a witness in any action to be brought for such penalties.—This Act to continue and be in force for the space of five years from the first day of *March* next, and no longer.

Penalty on any other than the purchaser taking fish.

Penalty.

How disposed of.

Continuation.

[This Act passed *March 6, 1773.*]

[The following Acts, omitted in course, are here inserted, laws of like description being included in this edition.]

An ACT for incorporating the Inhabitants of the easterly Part of *Tisbury*, in the County of *Duke's County*, into a separate Precinct.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the inhabitants within the lines herein described, beginning at the *Vineyard Sound*, at *Savage's Line*, so called, running southerly by said line until it meets *Holmes's Hole Road*; thence running south-east until it meets *Edgartown* line; thence by said line until it strikes the *Lagoon Pond*; from thence to the head of *Holmes's Hole* harbour; thence running by said harbour to the sound; thence by the sound to the first mentioned bound, which is called *Savage's Line*, with their families, together with their lands and estates be, and they are hereby incorporated into a separate precinct by the name of the *Easterly Precinct* in the town of *Tisbury*, with all the powers, privileges and immunities which other precincts or parishes in this Commonwealth are entitled to by law.

Boundaries.

SECT. 2. *Be it enacted*, That *Samuel Look* be, and he is hereby authorized to issue his warrant directed to some principal inhabitant within the said *Easterly Precinct*, requiring him to warn the inhabitants thereof qualified by law to vote in precinct or parish meetings, to assemble at some suitable time and place in said precinct, to choose such officers as precincts or parishes are empowered to choose in the month of *March* or *April* annually, and to transact all matters and things necessary and lawful to be done in the said precinct.

Justice to issue warrant.

[This Act passed *February 13, 1796.*]

AN

An ACT for altering the Name of *Thomas Jackson Greenwood*, of *Newton*, in the County of *Middlesex*, and permitting him to take the Name of *Alexander Shephard*.

Preamble.

WHEREAS the said *Thomas Jackson Greenwood*, by the death of his natural father was in infancy left an orphan, whose education has been attended to by Mr. *Alexander Shephard*, who having no son, the said *Thomas Jackson Greenwood* desires to take the name of his benefactor :

T. J. Greenwood allowed to take the name of Alexander Shephard.

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That *Thomas Jackson Greenwood* be, and he hereby is allowed to take the name of *Alexander Shephard*, and on all and every occasion hereafter to make the name of *Alexander Shephard* his proper Christian and surname ; and by that name he shall be considered in all processes and records whatever.

[This Act passed May 8, 1781.]

An ACT to authorize the United States in Congress assembled to appoint Commissioners to complete the running the Line of Jurisdiction between the Commonwealth of *Massachusetts* and the State of *New-York*, on the Easterly Part of the State of *New-York*.

Preamble.

WHEREAS an agreement was made and entered into on the eighteenth day of *May*, in the year of our Lord one thousand seven hundred and seventy-three, between Commissioners appointed by an Act of the Legislature of the late Province of *Massachusetts-Bay*, and Commissioners appointed by an Act of the Legislature of the late Colony of *New-York*, for the settlement of a partition line of jurisdiction between the said late Province of *Massachusetts-Bay* and the late Colony of *New-York*, on the easterly part of the said Colony of *New-York* : And whereas since the agreement made as aforesaid, Commissioners and Surveyors have been appointed on the part of the Commonwealth of *Massachusetts* and the State of *New-York*, respectively, to run and mark the said line pursuant to the said agreement ; which Commissioners, although attempts have been made for that purpose, have not been able to complete the running the said line : And whereas the State of *New-York*, by an Act of their Legislature passed on the seventh day of *March*, one thousand seven hundred and eighty-five, have on their part authorized the United States in Congress assembled, to appoint three skilful, judicious and disinterested persons as Commissioners, to run out, survey, mark, and ascertain the said line of jurisdiction, according to the true intent and meaning of the agreement above referred to :

United States in Congress assembled authorized to appoint Commissioners.

SECT. 1. Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That it shall and may be lawful to and for the United States of *America* in Congress assembled, and they are hereby fully authorized to appoint three skilful, judicious and disinterested persons as Commissioners, to run out, survey, mark, and ascertain the said line of jurisdiction between this Commonwealth and the State of *New-York*, according to the true intent and meaning of the agreement abovementioned.

Line run by the Commissioners to remain a jurisdiction or boundary line. Provided, that the Commissioners be sworn, &c.

SECT. 2. And be it further enacted by the authority aforesaid, That the line so to be run, marked and ascertained by the said Commissioners, or any two of them, according to the true intent and meaning of the said agreement, shall be, and forever hereafter remain, a jurisdiction or boundary line, as far as the same shall extend, between this Commonwealth and the easterly part of the State of *New-York* : Provided always, That the Commissioners so to be appointed shall, before they proceed upon the execution of their trust, be sworn faithfully and impartially to perform the same, according to the best of their skill and judgment ; and shall, within two years from the seventh day of *March*, one thousand seven hundred and eighty-five, complete the said survey, and make a true and exact return thereof into the Secretary's office of the United States in Congress assembled, to be there filed, as a perpetual evidence of the said jurisdiction line.

Governor with consent of Council

SECT. 3. And be it further enacted by the authority aforesaid, That the Governor, by and with the consent of the Council of this Commonwealth, is hereby

hereby authorized to appoint one or more person or persons to furnish the said Commissioners, which shall be appointed by Congress to run and ascertain the line aforesaid, with the necessary documents and papers relative to the said line, and to make his warrant on the Treasurer of this Commonwealth in favour of the person or persons so to be appointed, for the sum of *three hundred pounds*, to be applied, if necessary, for the payment of one half of the expenses attending the survey, and for which they shall be accountable to this Commonwealth.

[This Act passed *June 29, 1785.*]

Council authorized to appoint persons to furnish the Commissioners with the necessary documents and papers.

An ACT for appointing and empowering Agents on the Part of this Commonwealth, to assist in running and ascertaining the Line of Jurisdiction between this Commonwealth, and the State of *New-York*, on the easterly Part of the said State of *New-York*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Timothy Edwards, Esq. Dr. Samuel Williams, Jahleel Woodbridge and Caleb Strong, Esq's.* be, and they are hereby appointed Agents on the part of this Commonwealth, who are hereby authorized to furnish the Commissioners appointed by Congress to run out, survey, mark and ascertain the Line of Jurisdiction between this Commonwealth and the State of *New-York*, on the easterly part of the said State of *New-York*, with the documents, papers and observations necessary to ascertain the said Line; and the said Agents are further authorized and empowered, with the assistance of the Commissioners of Congress aforesaid, to agree with the Agents of the State of *New-York*, in what manner the said line shall be run, if such agreement can be made on the principles of justice.

Agents to furnish documents, &c.

SECT. 2. *And be it further enacted,* That if such agreement as is above-mentioned, cannot be made by the Agents of the respective States, the Commissioners aforesaid, appointed by Congress, be, and they are hereby empowered on the part of this Commonwealth, to proceed upon, and accomplish the business of running the said Line of Jurisdiction, upon such principles and observations as shall appear to them the least liable to error.

To agree with agents from *N. York*.

SECT. 3. *And be it further enacted,* That the Agents aforesaid be, and they are hereby vested with all the powers with which the Commissioners on the part of this Commonwealth were vested, by an act passed on the fourth day of *June*, in the year of our Lord seventeen hundred and eighty-four, entitled, "An act for the appointing and empowering Commissioners, on the part of this Commonwealth, in conjunction with such as are, or may be appointed by the State of *New-York*, to ascertain the boundary line between the Commonwealth and the State aforesaid, eastward of *Hudson's River*;" and the said Agents are hereby authorized and empowered to employ such chainbearers, flagmen, or other persons as they shall judge necessary to attend them in the prosecution of the business abovementioned.

Otherwise to proceed, &c.

Their power.

SECT. 4. *And it is further enacted,* That if any two or more of the said Agents shall be present, they or the major part of them shall be, and they are hereby authorized to exercise all the powers which are herein given to the Agents aforesaid.

Any two Agents authorized.

SECT. 5. *And be it further enacted,* That the Secretary of this Commonwealth be, and he hereby is directed to furnish the said Agents with such original papers or copies, now in his office, as they may think necessary to the discharge of the trust reposed in them.

Secretary to furnish them with necessary papers.

[This Act passed *June 27, 1786.*]

An ACT empowering the Agents appointed by this Government to defend the Territory on the West Side of *Hudson's River* against the Claims of the State of *New-York*, to settle the Controversy relative thereto, otherwise than by a Federal Court, if they shall judge it expedient.

WHEREAS it appears that the Legislative of *New-York* have by their Act empowered the Commissioners by them appointed for vindicating the right and jurisdiction of the State of *New-York* against the claim of this Commonwealth, to settle the controversy otherwise than by a Federal Court :

Preamble.

Be

Agents em-
powered.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Agents or Commissioners appointed by this Government to defend the territory of this Commonwealth on the west side of Hudson's River against the claim of the State of New-York, or the major part of the said Agents or Commissioners, be, and they are hereby fully authorized and empowered to agree with the Agents or Commissioners of the State of New-York, and settle the controversy respecting the territory aforesaid, by a Federal Court, as appointed by virtue of the Confederation, or otherwise, in such way and manner as they shall judge will comport with justice, and the interest of this Commonwealth.

[This Act passed July 5, 1786.]

An ACT for granting further Time to the Commissioners appointed by Congress, for completing the running of the Line of Jurisdiction between the Commonwealth of *Massachusetts* and the State of *New-York*, on the Easterly Part of the State of *New-York*.

Preamble.

WHEREAS by virtue of an Act passed the twenty-ninth day of *June*, A.D. one thousand seven hundred and eighty-five, entitled, "An Act to authorize the United States in Congress assembled, to appoint Commissioners to complete the running the line of jurisdiction between the Commonwealth of *Massachusetts* and the State of *New-York*, on the east rly part of the State of *New York*," the said United States in Congress assembled did appoint Commissioners "to run out, survey, mark, and ascertain the said line of jurisdiction," who have not yet completed the business of their appointment: And whereas the time limited by the Act aforesaid for the Commissioners to complete the said survey, and to make a return thereof into the Secretary's office of the United States, will expire on the seventh day of *March*, 1787, and the business of their commission cannot be completed within that time:

Further term
allowed the
Commission-
ers for running
the line of ju-
risdiction.

Therefore be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the further term of one year from the seventh day of March, A. D. one thousand seven hundred and eighty-seven, be, and hereby is allowed to the said Commissioners to complete the running the said line of jurisdiction between the Commonwealth of Massachusetts and the State of New-York, on the easterly part of the State of New-York: And the said Commissioners shall, at or before the expiration of the said term, complete the business of their commission, and make a true and exact return thereof into the Secretary's office of the United States, to be there filed, as a perpetual evidence of the said jurisdiction line.

[This Act passed March 1, 1787.]

[The following Act, though published in the last edition of General Laws, is here inserted, the Act referring to it being published in this edition.

See Vol. II. 346.]

An ACT to alter the Appropriation of the Sum of *Two Hundred Pounds*, payable annually by the Proprietors of *West-Boston Bridge* to the University of *Harvard College*.

Appropriation
altered.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the first day of *April* next, the said sum of two hundred pounds, to be paid annually by the said Proprietors of *West-Boston Bridge* to the Treasurer of *Harvard College* or University, shall be appropriated and disposed of by the President and Fellows of *Harvard College* to establish in the said University two Tutors, for life or during good behaviour; in such form, and with such duties and stipends, as the said President and Fellows, with the approbation of the Overseers of the said College, shall order and appoint; any thing in the Act for incorporating said Proprietors, or in the Act additional thereto, to the contrary notwithstanding.

[This Act passed February 27, 1796.]

I N D E X.

[In consulting this Index, articles not otherwise noted, will be found under some of the following general heads, viz.

Academy,	Fishery,	Names altered,
Annexation,	Incorporation of Towns and	Naturalization,
Aqueduct,	Districts,	Parishes, Precincts and Religious Societies,
Bridge,	Insurance Company,	Society,
Canal,	Lines and Boundaries,	Turnpike.

Under *Annexation* are placed references to all Acts for *setting off* persons and places, unless the annexation relate to a Parish, Precinct or Religious Society. Under *Fishery* are comprehended Laws relative to every description of Fish. *Society* embraces references to all Societies, excepting those included under *Parishes*, &c. The head, *Incorporation of Towns and Districts*, is confined to incorporating Acts and Acts additional thereto. For any other particular relative to those Corporations, reference will be had to their names.]

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* The A& referred to is additional to one passed A.D. 1758. The original A& was not found seasonably to be printed in course, and is here inserted.

An ACT for regulating the Proprietors of the Meadow and Flat Ground, within the Cove called the *Little Harbour*, in the Township of *Hingham*, in the County of *Suffolk*.

WHEREAS the Proprietors of the meadow and flat ground within the cove called the *Little Harbour*, in the township of *Hingham*, in the county of *Suffolk*, in the year one thousand seven hundred and forty, at a great expense erected a dam at the mouth of said harbour, by means of which the same yearly produces a considerable quantity of thatch; but that a growing charge arises from time to time in keeping the said dam in repair, and that of letting in and drawing off the water as is necessary; and that the same for time to come may be well regulated, and the charge thereof equally borne:

Be it enacted by the Governor, Council and House of Representatives, That the Proprietors aforesaid, be, and hereby are invested with the same powers and privileges of calling and regulating meetings, and choosing proper officers, as the Proprietors of common and undivided lands by law are invested with; and by a major vote of the Proprietors, (to be collected according to their interest,) may make such orders and rules as they shall judge necessary, touching the repairing or making any dam or dams, and drawing off the water, and grant and raise any tax or taxes for the defraying their necessary charges, to be assessed and levied on the several occupants of such meadow or flats, in manner as by law public taxes are to be levied.

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* There is no *Fourth Massachusetts Turnpike Corporation*, so named, but the Act establishing the *Williamstown Turnpike Corporation* is in the place, which would render that appellation proper.

† There is a chasm in the course of numbers which was apparently intended to be pursued. There is no *Seventh Turnpike*, and the only Act relative to the subject, between the *Sixth* and *Eighth*, is an Act respecting *Williamstown Turnpike*, authorizing an additional gate.

I N D E X.

TURNPIKE, Salem and Chelmsford,	iii. 421	TURNPIKE, Worcester and Fitzwilliam,	iii. 613
Sheffield and Tyingham,	iii. 474	W	
Springfield and Long-Meadow,	iii. 386	Warren's Monument,	ii. 52
Tauntön and New-Bedford,	iii. 360	Warren School Fund,	iii. 503
Tyringham and Lee,	iii. 549	Wellfleet Harbour,	ii. 448
Union,	iii. 343, 614	Wells Beaches,	<i>Appx.</i> 13
Warwick & Irvin's Gore,	iii. 289	Wenham Great Swamp,	<i>Appx.</i> 30
Williamsburg & Windsor,	iii. 572	Westport Common Field,	ii. 500
Williamstown,	ii. 291, 335, 527. iii. 328	West-Springfield,	ii. 194
Winfoket,	iii. 589	Common Field,	
Wiscasset and Augusta,	iii. 106	i. 105, 108	
Wiscasset and Dresden,	iii. 403	White's, Benjamin, Estate,	i. 65
Wiscasset and Woolwich,	iii. 272	Wilbraham General Field,	ii. 35
		Williamstown Free School,	i. 89, 229
		Winflow divided,	iii. 13
		Woodland in Ipswich, &c.	i. 438
		Worcester Courts,	i. 453
		Y	
		Yarmouth Meadows,	i. 16. iii. 4

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